

REGULAR MEETING
ZOOM VIDEO CONFERENCE

Meeting called to order by Mayor Daniel Mahler with a salute to the flag at 8:10 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: Mayor Daniel Mahler, Councilman Dominick Cortellessa, Members Kevin Platt, Charles Strobel, David Slater, Jack Crilly, Jack Jordan, Donald Pasquariello and Mary Leonard

Chairman Gilbert Foulon logged on at @8:25pm due to internet issues to join the meeting.

PRESENT: Attorney Steven Veltri

ABSENT: Vice Chairman Joseph Graceffo and Engineer Michael Cristaldi

MINUTES: June 18, 2020 Meeting

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

COMMUNICATIONS/REPORTS: None

APPLICATION STATUS: Board Secretary advised no new applications have come in.

NEW BUSINESS APPLICATION: Vehicle Service Station

**Business Owner: City Motors Group, Inc., 1368 Ringwood Avenue, Haskell
Property Owner: Valuable Vehicle Vault LLC, 30 Overlook Ridge, Oakland
Property Address: 918 Ringwood Avenue, Haskell, NJ**

John Barbarula, Esq., Attorney For City Motors Group and Ziad Kolkas, Owner

Attorney Barbarula: We have on this particular site at 918 Ringwood Avenue two buildings; one is an “L” shape, which is closer to the front. That is where Mr. Ziad wants to move his facility and, to the left, is an automotive facility. What he does is take high-end cars and he restores them. There will be three (3) cars inside the building at any one time. I was asked by part of your staff to determine what the maximum number of vehicles, at any one time, would be held on this site. We came up with the plan that you have in front of you, which would be six (6) cars on the side, which would be three (3) for employees and three (3) spots for people coming to pick-up cars. This is not a retail venture. People would only come based on appointments. In the back, if we had to use, after talking to your Construction Official in the Zoning Department, they wanted to know what would be the maximum. From the building that you see to the left is 100’. If you were stacking the cars as tight as you could, we could fit twelve (12) cars. At any one time there may be only six (6) to eight (8) cars there. We wanted to tell the Board, and based upon the conversations I had with your department, we could actually, if we had the demand, to put side by side twelve (12) cars along the back. This does not interfere with the adjoining facility because they have front facing garages. I just talked tonight with your Construction Official around 4:10pm in response to questions about the parking for further explanation. I have additional photographs, but is there a way I can e-mail them to you. If not, I’ll just have Mr. Ziad explain the physical location to you.

Attorney Veltri: John, let me just ask a question before you do that, since I want to make sure I’m looking at the right thing. I’m looking at a copy of a survey that looks like it has been written over from 1950.

Attorney Barbarula: That’s right.

Mayor Mahler: They don’t have a new survey? Didn’t the new person buy it from Venezia five years ago? There is a building on the property that is not even shown on this old survey.

Attorney Barbarula: That’s why I did Google Earth and got the Google Earth shot that gives you the other business to the left.

Attorney Veltri: The parking spaces that you’re talking about, are they lined or sized? I just see lines on the paper.

Attorney Barbarula: On the photos you’ll see that everything to the left of the building has striping. I drew that in there on the basis of what my discussions where almost two months ago with the Building Department to show how we could fit a maximum back there.

Attorney Veltri: What are the sizes of the spaces that you are proposing?

Attorney Barbarula: We really were going to go to 10x18, but I did that in response to your Building Department saying how much we could fit in there because they didn’t want to have a zoning issue that one day he went by there and instead of eight cars, there were ten.

Attorney Veltri: How big are the twelve spaces that you have lined on the plan?

Attorney Barbarula: Those are 8' wide.

Attorney Veltri: How deep?

Alexandra: This Alexandra from City Motor Group. I believe there are six or seven spaces to the side of the building and they are all lined by the owner of the property per the city guidelines. I know that for a fact.

Attorney Veltri: What's confusing me, and I'm going to stop asking questions after this, there are two businesses on site and normally what we get is one site plan showing both businesses and how the parking on site is allocated between both businesses.

Alexandra: Clearly, if you look at photos of the lot, M&L, which is the other business, he's parking, which I believe is also six or seven spaces, he's got them all the way to the left of that main parking lot, and then we've got our parking spots all the way to the right against the building.

Attorney Veltri: We like that normally, and I'll leave it to the Board, but we like that noted on the plan so that when he comes back in for something, we can say you have six spaces so why do you want to do x, y and z with the six spaces.

Alexandra: I think maybe the confusion is we are not trying to change anything that is there right now. We are not trying to add additional spaces and we are not changing the spaces. We are just utilizing what is there already and what's been approved already.

Attorney Veltri: My comment is that I'm just very confused.

Mayor Mahler: Steve, you know what is confusing, the other business isn't even shown on the site plan. There is another building on the property that was built after 1950 and is not shown on the site plan, so it's kind of tough to tell where it is at.

Attorney Veltri: Right. I feel like we are seeing a snapshot of what is there, but not the entire picture.

Attorney Barbarula: It is only a survey. Back when we started this application, this was just basically like a change of occupancy. If the change of occupancy for the existing building required a site plan, and I was told two months ago, maybe we could have done something. I was told at 4:00pm that there would be questions about the other building. I have photos I can send to you showing the actual facility. I already looked for site plans and surveys and there wasn't any available from the landlord.

Mayor Mahler: The landlord brought the property five or six years ago so I'm sure he did a survey. He didn't just buy the property with no survey.

Alexandra: Can I interrupt for one second? He said that the city has full copies of the survey that was done, like big blue prints. So you guys have that so we're not.

Mayor Mahler: We don't go looking through our files. You guys have to supply it.

Board Secretary: We don't get surveys at Borough Hall and I just have his original New Business Application and there is no survey.

Attorney Barbarula: You have no site plan for when that other business went into effect, correct?

Board Secretary: Correct.

Attorney Barbarula: That's what I ended up finding out. There was no site plan. That business was there. As far as I know there's no survey from five years ago.

Mayor Mahler: Who buys a property with no survey?

Attorney Barbarula: I can't speak for him. He's not my client and I have no idea.

Mayor Mahler: Is Valuable Vault abandoning the building and your client is now moving in? Is that what is going on?

Attorney Barbarula: The building to the right is going to be completely occupied by City Motors, yes. I think part of this was the Zoning Officer didn't want to have a problem with enforcement. We are not changing the site at, which Alexandra is absolutely correct. We could stack twelve (12) cars in the back separate and apart because the back of the parking lot is part of our lease, not anybody else's lease. We are trying to make sure that you know how many cars can be there so that anybody complains, you can go there and count and we'll have less than the twelve (12) that is there and not have an issue tomorrow, the next day and three years from now.

Attorney Veltri: Can you supply a copy of the Lease to us so we have it for our records about the parking allocation on site.

Attorney Barbarula: Yes, we can give you a copy of the Lease. I also have photos on e-mail that we took after talking to the Building Department today. I don't know if there is a way of sending them to you though.

Attorney Veltri: It is very difficult on Zoom if we don't have them in advance.

Attorney Barbarula: I didn't even know this was a question until 4:10pm. As a result, I tried to get everything I could and we sent people out there to take pictures, but if I can't send them to you, I can't send them. I do have Alexandra and Ziad here who could be sworn in and tell you all of the operations.

Attorney Veltri: Is the property owner here?

Attorney Barbarula: No. Alexandra is the Manger and Ziad is the Owner of City Motors. Alexandra is very versed in the day-to-day operations.

Mayor Mahler: Do you want to swear them so at least they are under oath?

Attorney Veltri: Will you both raise your right hands. Do you solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth so help you God?

Ziad: Yes

Alexandra: Yes

Attorney Veltri: Please state your names individually for the secretary; first the Owner then the Manager.

Ziad Kolkas & Alexandra Mayzelman

Attorney Veltri: John, you can direct them.

Attorney Barbarula: Alexandra, can you give a description of the subject property that you want to rent here in Wanaque?

Alexandra: It is a servicing station where we will basically be reconditioning cars inside. There are no customers to be coming. It is not a retail facility whatsoever.

Attorney Barbarula: Is all work on these cars going to be done inside the building?

Alexandra: Inside the building, yes.

Attorney Barbarula: There will be approximately three (3) cars inside at any one time?

Alexandra: Yes, approximately three (3) cars inside. In terms of outside, there's really only employee parking and maybe a couple of cars waiting to go inside. We can park those in the park; they are not going to be on the side parking.

Attorney Barbarula: How many employees will the business have at this location?

Alexandra: Two to three.

Attorney Barbarula: There are six (6) parking spaces along the left side of the building. Is that correct?

Alexandra: Correct.

Attorney Barbarula: They are lined and already developed before you got to the site?

Alexandra: Absolutely, yes. There are parking signs, but right now it says for Valuable Vehicle Vault, which is the owner of the property.

Attorney Barbarula: And that is to the left of the pavers and it is all marked?

Alexandra: Yes.

Attorney Barbarula: Out of seven (7) days of the week, how many days do you operate?

Alexandra: Six (6) days. We are closed on Sundays.

Attorney Barbarula: What are your hours of operation?

Alexandra: It will probably be 9am to 5pm, or early, maybe 8:30am to 5:30pm. Is that correct Ziad?

Ziad: Monday thru Friday it will be 9am to 5pm and Saturday will be 9am to 12pm only.

Attorney Barbarula: Is this a retail operation? Can I just pull up and go in and look at a car?

Alexandra: No sir.

Attorney Barbarula: Over a week's time frame, approximately how many cars would you process through this facility?

Alexandra: During the week, maybe a car a day.

Attorney Barbarula: Are there going to be cars going to be distributed around the site or will the cars that are waiting to be reconditioned just be in the back of the building?

Alexandra: Just in the back of buildings. We are not going to park those all over.

Attorney Barbarula: So if I was coming by, and I was looking at this facility, it will still look like a garage with the three bays in the front, there will be no cars sitting outside waiting to be serviced?

Alexandra: No, not in that front lot. If you know the lot, you know what I'm talking about. Not in those front spaces. Realistically, you might see two to three cars and employees if they need to go and get parts, etc. Employees only, so there are not going to be cars standing around.

Attorney Barbarula: The existing building that is there to the left that is a car service facility? Are you familiar with that building and operation?

Alexandra: Yes, M&L Automotive.

Attorney Barbarula: Is his parking involved anywhere with your parking?

Alexandra: No. His parking is all the way to the left of that front lot. Ours is all the way to the right and up against our building which is noted as Valuable Vehicle Vault, which will be changed to City Motors Group, and his is all the way to the left side of the lot and his spots are lined.

Attorney Barbarula: And he has approximately six (6) spaces there?

Alexandra: Yes.

Attorney Barbarula: And he has forward facing garages also?

Alexandra: Yes.

Attorney Barbarula: To the right of his building, that is directly behind your building, did you measure the space from that building to the property line as to the length of the spaces that you could park cars back there, if you needed?

Alexandra: I am going to be honest and say, no. We didn't measure how many feet it was. I am talking about the back lot, if you wanted to put cars all along one side, maybe you could put three to four cars, so how many feet that is.

Attorney Barbarula: But in length wise, that is where you can fit anywhere from ten (10) to twelve (12) cars?

Alexandra: Exactly. Yes there is more than enough room.

Attorney Barbarula: At any one given time in your prior operation, did you have ten (10) to twelve (12) cars waiting for servicing?

Alexandra: Not normally, but we wanted to put it at that max so we don't run into issues.

Attorney Barbarula: Basically, we were responding to the Zoning Officer so we wouldn't have an issue.

Alexandra: Exactly.

Attorney Barbarula: I don't have any other questions for Alexandra and turn it over to the Board.

Chairman Foulon: Can you hear me? I just wanted to make sure I was on since I had a lot of trouble getting in again. Are we still talking about the Venezia property?

Mayor Mahler: Yes.

Chairman Foulon: There is already one repair shop there on that property, for which I believe we made a special exemption for him to operate two businesses on the same property.

Member Slater: I think you are right Gil and I think the other was it needed a second sewer hook-up as I recall.

Alexandra: We are not going to be a service repair station like M&L Automotive. We are getting cars and prepping them for sale. We're not like a retail service repair station. There is going to be no customers.

Chairman Foulon: So what are you going to be doing?

Alexandra: We are going to be prepping our cars for our sales. We are not going to have any retail customers there.

Mayor Mahler: There retail location is down on Ringwood Avenue across from Dunkin Donuts and they are going to prep the cars there.

Chairman Foulon: Basically, you are going to be detailing?

Alexandra: Right. We are not doing any paint work or any type of major repairs.

Chairman Foulon: You're prepping for sales. All right, I have a better understanding.

Alexandra: It is only our cars. We are not trying to deal with the public at all.

Chairman Foulon: I believe you had been doing that even though it was Valuable Vehicle Vault. Weren't you? Weren't you sending some cars up there for detailing?

Alexandra: No, at that point, we had some cars standing in the back lot and Valuable Vehicle Vault was still in the building and we spoke to the Building Inspector and he said you can't have two businesses there so we took the cars out, but now that Valuable Vehicle Vault is vacating the building.

Attorney Barbarula: He is going to be completely gone (vacated) and we want to take completely over and that way all of our work is completely inside the bays.

Chairman Foulon: I have no further questions.

Mayor Mahler: I have one item. Adjacent to this property is Venezia Lane, which is a private road. One of the residents of Venezia Lane was complaining that, in the past, I don't know if it was your business or the Vault or M&L Repair, one of those guys was test driving cars up and down Venezia Lane. Is there any reason why you should be using Venezia Lane?

Alexandra: No. You are talking about the road in back of M&L. In the back of our building we just have the lot and then you have this whole road behind M&L. We have absolutely no reason to go in that direction. There is a huge driveway up front. We have absolutely no reason to even be there.

Attorney Barbarula: We would not object to a stipulation that we are will not use that road.

Mayor Mahler: I'd like to make sure they don't use it because the resident back there was complaining about it and I don't know if it was you or one of the other people, but I would like to address it and have you agree that you are not going to be using Venezia Lane.

Alexandra: Absolutely. I saw it today when we went to take the photos. I know what you are talking about but there is just no reason for us to go over there.

Attorney Barbarula: We have no objection to any kind of restriction like that because you have public streets and going onto a private road like that will only cause problems.

Member Crilly: When I am looking at the New Business Application information, I am trying to familiarize myself with the address 1368 Ringwood Avenue, but are all the cars that are going to be prepared at this location sold there exclusively or do you have multiple locations?

Alexandra: No, we just have the one location.

Mayor Mahler: That location is across from Dunkin Donuts on Ringwood Avenue.

Member Crilly: Also looking at the Application, I'm looking at the Board of Directors and it lists Mr. Kolkas living in Dearborn, Michigan. Are you currently a resident of the State of New Jersey?

Ziad: Yes. I live at 700 Millwheel Court, Franklin Lakes, New Jersey.

Member Crilly: Thank You.

Alexandra: That's from 2004.

Ziad: I have been in the State of New Jersey from 2002. I lived in Fort Lee for ten years and I've been in Franklin Lakes for another 8 years.

Member Crilly: Your current residence and status is the State of New Jersey.

Ziad: Yes, sir.

Councilman Cortellessa: Steve, you had mentioned earlier that you were concern about the parking space allocation?

Attorney Veltri: I think the Attorney mentioned that the allocation was set forth in the Lease that he is going to provide to the Board and that the testimony that we heard about the six (6) spaces along the building and the twelve (12) spaces in the back are specifically allocated to this business and not the other business on site. Is that correct?

Alexandra: That is correct.

Attorney Veltri: That is stipulated by the Applicant tonight, correct?

Alexandra: Correct.

Attorney Barbarula: Ziad, you agree with that, correct?

Ziad: Yes.

Attorney Barbarula: I didn't do the Lease, but I have it up on my computer and it has demised premises and if we have any issue, we can also have the Landlord do a certification as to the spots.

Attorney Veltri: That is what we would like because we need something in the file so that we don't have confusion for the next applicant that comes in.

Alexandra: I am sure I can get that by the beginning of next week and have those exact stipulations included. I don't have the Lease in front of me.

Attorney Barbarula: Alexandra, it does say the demised premises, but in order to make the Board happy, I would ask you to have the Landlord say you have the six spaces on the side and 12 spaces in the back.

Alexandra: So there are no questions later on.

Attorney Veltri: It should say for your exclusive use.

Attorney Barbarula: We'll take care of that. We can make that a condition, and also the condition that the Mayor wanted that we would not utilize the private right-of-way for any type of automotive testing.

Attorney Veltri: On Venezia Lane.

Mayor Mahler: Just stay off of Venezia Lane.

Alexandra: We agree.

Councilman Cortellessa: What type of automotive testing are you talking that you would use any of those roads?

Attorney Barbarula: No, we don't want to do any testing.

Mayor Mahler: Dom, I don't know who did it. I don't know if it was the current M&L or Valuable Vault. One of them were driving up and down the private road, which irritated the people who live there so I'm just bringing it up and they are saying they're not going to use the road for anything. I am happy with that resolution.

Member Leonard: For the Valuable Vehicle Vault, how many cars can be stored in there? I know you only service about three (3) cars at a time, but it is a pretty big size building.

Alexandra: You can have six (6) to eight (8) cars in there.

Mayor Mahler: They are moving out, correct?

Alexandra: Yes.

Mayor Mahler: Mary, Valuable Vault is moving out of the building and these people are moving in.

Chairman Foulon: I happened to be in Valuable Vault a couple of times when they had cars in there and it is eight (8) to ten (10) cars max.

Mayor Mahler: They are moving all their cars out and you will be using the facility.

Alexandra: Correct.

Attorney Barbarula: It is going to be exclusively City Motors Group. Valuable Vehicle will no longer be there.

Mayor Mahler: The application was a little vague. I couldn't figure it out at first, but she did testify to that point before, so I am good with that.

Member Slater: Delivery of vehicles by transporter, is the lot big enough to get the trailer in off the road? Or are we going to have to deal with the trailer parked in the striped area like it is down below?

Alexandra: No. So the parking spaces in the entryway and exit between M&L and Valuable Vehicle Vault building there is probably 30' or 40' that you can back up into.

Mayor Mahler: How many cars do you get delivered at a time? You don't get one of those big new transport vehicles. You are selling used cars and are getting a few at a time.

Alexandra: Correct, one or two.

Councilman Cortellessa: You will be doing that and they will have to come off of Ringwood Avenue to deliver those cars, right?

Alexandra: What do you mean?

Councilman Cortellessa: I am talking about the cars being transported to the site. When you transport to them site, if they are on whatever size transport.

Alexandra: Usually we get cars transported to the main location at 1368 Ringwood Avenue.

Attorney Barbarula: You'll drive them up from there.

Alexandra: Yes, it is right off the highway and I think may be easier for them and we'll drive them up. There is a lot of residential traffic up and down Ringwood Avenue so it is probably much easier to get them dropped off at our main location and the guys can drive them down there.

Councilman Cortellessa: I think the Dave's concern was having a transporter blocking Ringwood Avenue when dropping off cars.

Alexandra: That would be uncomfortable for everybody. I know there is a lot of traffic on Ringwood Avenue and residential traffic so we won't be having any big trucks coming down there. If there are several cars coming in at once, we'll do it like we've been doing it and having them dropped off at 1368 Ringwood Avenue. Our main location right off the highway.

Member Leonard: In the back, is there a guarantee that you will not store more than 18 cars back there? I'm looking at an aerial photograph of the place, and it looks like you can pack more than 18 cars there. In the past, I think they have stored more cars than 18 back there and I just wanted to go on record and have them give us a guarantee that there will not be more 18 cars parked in the back there.

Attorney Barbarula: Actually, in the application, we are limiting it to a maximum of 12. We can fit that many, but we are agreeing to a stipulation of a maximum of 12 because we do not want to have an issue with the Zoning Officer. That is why we put in the application that we are limiting in the back area for no more than 12. Not even the 18 they could fit behind the building.

Chairman Foulon: They could fit a lot more than 18. That yard used to be the town's impound lot.

Attorney Barbarula: I know, but I've had three or four discussions with the Zoning Officer and we would like to have good relations and not have a problem so we are limiting the back to 12. That could be stipulated that parking in the rear of the building is limited to 12 cars on an overnight basis. During the day, you might have more in and out, but overnight there will only be 12. We are not looking to make it a storage lot.

Chairman Foulon: Okay, that is good.

Member Leonard: Mike, could you give us a history of how many cars were stored there in the past because we just want to make sure. I know he said no more than 12, but this place does have a history of storing more cars than 12.

Attorney Barbarula: That is why we are before you.

Chairman Foulon: It goes back to the days when Venezia had the towing business and whenever the police ordered a car to be towed, it went to their yard. It was official impound yard for towed cars. That's years ago. I know there can be a lot more cars there, but they are saying twelve (12) cars that is fine and let's go with that.

Attorney Veltri: The application says very specifically that they prep 15 cars a week; 3 inside the building and 12 outside. That's the application and I think we are agreeing that, if there is more volume on site then that, they need to come to this Board. Is that correct?

Attorney Barbarula: Right. We are only storing 12 in the back; there are 6 spaces on the side (3 employees and 3 potential visitors). That is it. 18 on the entire site. We are not looking to stack cars, we are not looking to store cars, and we are not looking to create issues where we have the Zoning Officer unhappy and visiting us too much. If he wants to look at a nice car, that's one thing, but we don't want to see him otherwise.

Chairman Foulon: Okay, I have no problem with that.

Attorney Veltri: Just for the record, in the middle of the application I saw that our Chairman Gil Foulon joined us and has participated in the application. John do you have any problem with him voting on this application?

Attorney Barbarula: Absolutely not. This has been an extremely trying year with application getting on back and forth with Zoom so I have no problems with him voting on the application.

Chairman Foulon: I think it is time for a vote and I will enter a Motion for Approval.

Member Leonard: I'm sorry, I just wanted to Mike Hafner to give us a history of what used to happen on that property in the past.

Chairman Foulon: I already told you what happened in the past.

Member Leonard: I want to hear it from Mike. I want the Board to hear it from Mike, if the Board doesn't mind.

Mayor Mahler: Mike, are you there?

Mike Hafner: Yes. I can give the recent history for as long as I've been involved with Wanaque. I know that the gentlemen that brought the building and rehabbed it for Valuable Vehicle Vault was a private owner. As far as I recall, he did not go before your Board because he was not a business. He was not open to the public. He was storing his own personal cars. This is a slight change from that, but I still think probably shoehorn it in as far as the use under motor vehicle service station or filling station as defined in the Ordinance. We did have an issue, maybe last year or the year prior, where cars were being stored in the back by this business. We did address it and, quite frankly, anything that we've needed done by City Motors has been done. We asked them to remove the cars. There were upwards of 40 cars stored back there, but they did remove all the cars as well as bring their site into compliance down at the end of the Avenue. We've had a great working relationship and I'd like to continue that. Very happy that were are going to have some sort of cap on it so that everybody knows where the line is and I'm confident that we

won't have any issues with too many cars in the future. The only thing I think the Board may want to consider is an additional condition that no work is to be conducted outside so we don't have a tent pop-up where we are doing detailing or any other work on the cars outside in the parking lot, and there are three spots on the site plan, if I'm not mistaken, that are marked as customer pick-ups or parking. If customers are not picking up at the site then there is no reason for those spots to be marked for that, or maybe a condition of the approval is that no customers are to pick-up cars at the site.

Member Leonard: Very good.

Attorney Veltri: Can you explain to us why there is customers' spots if there are no customer pick-up on the site? Directly this to the applicants.

Alexandra: It's more employee spots.

Attorney Veltri: It does say customers.

Attorney Barbarula: When I talked to the Zoning Officer, there may be an opportunity once in a while where somebody wants to go up and look at a car and we wanted to put it down so that, if somebody did do that, there wouldn't be a question. That's why we laid out those 18 total spaces. 3 employees and 3 for potential customers, I don't care if you want to limit it to 1.

Alexandra: John, we are not going to be sending customers up there, but we were thinking that you need customer parking at a business location.

Attorney Barbarula: That's exactly right. We had discussions and we are trying to make sure that there are no issues and interpretations as to what we can do at this site. If you want, we can take that labeling off.

Attorney Veltri: What we are agreeing to, I think, so there is no confusion. There is not going to be any sales on site or customer pick-up on site.

Alexandra: Correct, no there is not. Absolutely, 100% correct. No customer pick-up; no sales at the location. Customer parking is unnecessary.

Chairman Foulon: Any other questions? I'll entertain a Motion for Approval of the Application.

Attorney Veltri: Subject to the conditions that e just articulated on the record, correct?

Chairman Foulon: Correct.

Attorney Barbarula: Correct, we agree to those conditions.

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

NEW BUSINESS APPLICATION: Construction

Business Owner: Thomas Buske, 104 Beech Avenue, Pompton Lakes
Property Owner: Thomas & Judith Buske, 104 Beech Avenue, Pompton Lakes
Property Address: 1161 Ringwood Avenue, Haskell, NJ
This Property is on the corner of Ringwood Avenue & Coles

Ed Hill, Director Operations, appearing on behalf Tom Buske & Sons Construction

Attorney Veltri: Are you an attorney?

Mr. Hill: No

Attorney Veltri: So you are representing them. I don't understand that.

Mr. Hill: Tom is not a computer guy and doesn't know how to do this stuff and I'm not that much better but I'm actually focusing on getting the property ready to get everything in place so we can get a business going.

Attorney Veltri: We'll listen to what you have to say, but we may have questions for the owner of the property. I just want to make that clear to begin with. You are not an owner of the property and you are not an attorney representing the owner of the property.

Mr. Hill: No, I am the Director of Operations for Tom Buske Construction.

Attorney Veltri: Who are they? They are not even a tenant listed. It just says construction on the application. Who is Thomas Buske Construction?

Mr. Hill: Thomas Buske & Son Construction is Tom Buske's business.

Attorney Veltri: Are they incorporated?

Mr. Hill: Yes.

Attorney Veltri: Then they need an attorney. The state law is, if a corporation comes in front of a Board, they need to be represented by counsel.

Chairman Foulon: We will shelve this Application.

Mayor Mahler: Steve, I have another question. Is this coming in as a site plan or as a business application?

Attorney Veltri: I was very confused when I looked at the application. I did not see this as a business use, per se, but I was willing to listen to what the applicant had to say. When I looked at it, my knee-jerk reaction was, at best, this is a site plan and there may be variances. If the Building Inspector is on, I would like to hear how he analyzed this to put it in our agenda.

Mike Hafner: As I understand, there are multiple uses being proposed on this property.

Attorney Veltri: So why is it a business use then? It should be a site plan/variance use.

Mike Hafner: I think that you are going to find that this probably needs a D Variance from the Zoning Board for the contractor's yard.

Attorney Veltri: I couldn't agree with you more, which is why I'd like Mr. Hill to hear this because I don't want them to hire an attorney and come back for a business application and then we tell them that this isn't the proper application.

Mike Hafner: I think that is the Board that it ultimately belongs with.

Attorney Veltri: I agree.

Mr. Hill: Just tell me what I need to do. We're just trying to make everything fine with everybody; that's all.

Attorney Veltri: I appreciate that, but you are just at the wrong Board. They are going to give you a different application with different instructions. I wish you luck. I don't think that you belong here tonight on this type of application. That's my impression, but again, I'm willing to listen to anyone else who has an opinion on it.

Chairman Foulon: Is this the property down the back where all the trucks are parked?

Mr. Hill: Yes.

Chairman Foulon: I want to definitely see a site plan on that property.

Mayor Mahler: It's also on a county road and they have to get approval from the county too.

Chairman Foulon: There have been there illegally for how long? I believe there were summonses issued to them also. Mike, are you still on?

Mike Hafner: That's correct. We currently have a pending court date.

Chairman Foulon: I think the property should be vacated of everything until such time as we have the court hearing and then you prepare a formal application.

Mike Hafner: The reason for the summons was because the property owner did not follow the process. He started to follow the process and the court is really just a mechanism to persuade the property owner to follow the correct process. That's what we are trying to do.

Mr. Hill: That is what we want to do. We don't want to have any waves, or anything else. We are in a pickle too, so we are just trying to survive. We will go and get an attorney and do whatever guys require. I don't know what else to say other than that. We are not trying to hide anything or do anything wrong. I was told to fill out the new business application and supply a site plan with the proposed stuff. That's what we did. If I need to get an attorney, we'll get an attorney and we'll come back in and go from there. No way are we looking to do anything that's not in the best interest. Tom has been in business since 1981 and he was voted contractor of the year in 2019 and he does a lot of work with charities. He has spent his life in Pompton Lakes. He's a local guy.

Councilman Cortellessa: Why don't give him directions Steve as to what they need to do at this point?

Attorney Veltri: The way it works, is this. You submit your site plan, and you have some type of plan. You have things on that plan that, in my mind, would trigger probably D Variances as Mike has said, and it looks like you are proposing to put other structures on the site where a full blown site plan would be needed. Someone in 2018, I think, started down that road so this is not like it is coming out of the blue. Someone tried to start preparing a site plan two years ago. What happens when the site plan is presented to the Building Inspector, there is a denial letter given. The denial letter outlines the variances and the relief that he needs to seek and it's directed to the right Board, which in this case seems to be the Board of Adjustment. At that point, he just fills out the paperwork, files what he needs to file, advertises and asks for the relief that he needs.

Mr. Hill: Mike, tell me what you need.

Mike Hafner: That is exactly the process that needs to be followed. The reason why we did direct him to this Board for the new business application is because I know, at past meetings, I've approached you and asked that, if we knew that an application without question needed a use variance, did you want us to directly send it to the Zoning Board and, the feeling at the time was that this Board still wanted to see the new business application. That's the reason why Mr. Hill is here simply just because of our conversation

that you wanted the Planning Board to see the new business application regardless of whether it needed a Use Variance.

Mr. Hill: Mike, do you want me to submit a formal plan and then you'll reject it and send it to the Board of Adjustment?

Mike Hafner: We can do it that way. You can submit and we'll give you a formal denial, but by law you don't have to do that, you can make your application right to the Board. However, if you submit your plan to us and we give you a denial then you can be reasonably assured that no variances should be missed.

Mr. Hill: Okay, that's what I'll do. By the end of next week, I'll have a new site plan, sealed and delivered to you with the proposed two structures that we want to have on it. Basically, we want to try and get everything in order because the building in front is ugly too so we want to put siding on it and make it somewhat presentable. We don't want to do anything until we get approvals for everything.

Attorney Veltri: I saw the date on that plan that you have submitted that we have in front of us tonight from 2018. Was that every submitted with any application to any Board?

Mr. Hill: I don't know. The drawings that I have, we tried to get the architect that drew them, but we can't find him. I'm reaching out to a new architect in Pompton. Tom does a lot of work with septic systems and he works with maps and they are a site engineer so we can work with them. Our intention is to take the path that you want us to take and I'm here to straighten everything out.

Mayor Mahler: The architect in Pompton Plains is Jim Cutillo. Looking at this site plan, putting stuff on here like setbacks will meet town code, you have to put the actual setbacks from the buildings to the property line. Everything on here has to show the measurements, the property lines, how big the property is. This is totally unacceptable.

Mr. Hill: I 100% totally agree, but I was told to get a site plan over to you with the application so that's what I did as quickly as good. Our intention is to get either Jim or somebody else to be the architect on record to seal plans and have the engineer layout the property and do everything according to code.

Mayor Mahler: The site plan has to be done by an engineer, not an architect.

Mr. Hill: Yes sir, I know that. Mike, I'll speak to you next week.

Mike Hafner: Just touch base with me and I'll work with you and Jim.

Mr. Hill: Thank You. I appreciate it. Thank You all and have a great night.

Chairman Foulon: Thank You

PUBLIC DISCUSSION: None

BOARD DISCUSSIONS:

Member Leonard: Jenn, what about the house that is there?

Board Secretary: He also owns that house and I believe that will be part of the site plan.

Mayor Mahler: That is going to part of the plan. They want to make it into an office and an apartment. It is part of this plan.

Member Slater: There are a host of people back in there. A guy from Pequannock with his excavator, a couple of tree guys, the little house needs a clean-up and I'm trying to

think of what else. Buske also has a bunch of equipment on his site. I just wonder if driving buy and looking at the application if it is a permitted use in that area.

Member Leonard: It's been there for quite a while.

Member Slater: It's new. The guy from Pequannock has been parked there for at least five years, maybe more.

Mike Hafner: We have violations out on the other adjoining property as well. We are working on getting the guy with all the dumpsters out of there. Little by little we'll chip away and get everybody into compliance.

Member Crilly: Dan, along Warren's Way, the adult assisted living that you're supposed to do in partnership with Bergen United Way, do you have a status on that?

Mayor Mahler: It is in the United Way's hands. We've approved the project and money out of our housing trust fund and we are waiting on United Way. They have to redesign the project because part of the land they wanted to use, they had to lease from someone and it's not possible to lease, so they have to downsize a little bit. I think they were going to have eight (8) units and have to downsize to four (4) or six (6). The ball is in their court, and it's been in their court for a while. We met with them two years ago and we asked what is going on here and they really didn't have a good answer for us other than we have to downsize the project.

Member Crilly: You know the special needs community is a small world and I get a lot of inquiries about what is going on with that. Over age 21 is an issue for these families so I've gotten a couple of notifications.

Mayor Mahler: There are four or five people in town that are asking me about this every couple of months.

Member Crilly: Would there be a contact name at the United Way that I could direct these folks to?

Mayor Mahler: Tom Toronto at United Way of Bergen County and we met with him almost two years ago and he was supposed to get the ball rolling and the ball is still sitting still.

Member Crilly: I am going to start these inquiries in that direction. They are asking me and I don't know.

Member Strobel: Regarding the Mountain Avenue construction site, is there a noise ordinance or when they can begin there construction there? It seems like they are starting at 6:30am when they are excavating or whatever they are doing.

Board Secretary: Construction is Monday thru Friday is 7am until 6pm, which would include lawn mowing. Saturday, Sunday and Holidays it is 9am until 6pm.

Member Strobel: Are they almost completed with that?

Mike Hafner: The contractor has been working with the engineer's office and he has been in touch with the Borough Attorney to give progress reports. They did submit a timeline with a list of activities and they are chipping away at that. From what I understand, the water line in the road is the current project, as well as they were still working on the site to try and get where they had most of the rock out of there.

Member Platt: What is going on with the guy at Uni-Rents?

Mike Hafner: We have that in court as well. We had it before the Judge two weeks ago and they were directed to either vacate the building or to file an application with the Board by September 28th, and we have seen no action on their part. What will happen on the 28th is we'll go back to court and if they have not done either of the two, the Judge will impose a fine and he will again order/fine them each and every day until they comply.

Chairman Foulon: Dan, what is going on, any action with the bar?

Mayor Mahler: Nothing yet. They are negotiating with the County. The County put a laundry list on them.

Chairman Foulon: Second thing I'd like to do is I'd like three (3) volunteers to start working on the Master Plan. Don't all volunteer at once guys. We'll be working with our Planner and I would also like on the Committee somebody from the Board of Adjustment. Mayor wants a Councilman also. Chairman Foulon stated perhaps someone from the Police Department. Mayor Mahler stated he will appoint those members.

Member Crilly: What does it entail?

Chairman Foulon: It's going to be very difficult under the circumstances because this is going to require some in-person meetings. I don't think we'll be able to enact the Master Plan this year. I'm hoping to get it done by March or April of next year.

Mayor Mahler: We are looking to open town hall in October and keep it open as long as the Covid stays in a reasonable phase. So our meeting actually may be in town hall, it just depends on how things work out.

Chairman Foulon: That means I could have a Committee Meeting in town hall.

Mayor Mahler: Yes. We'd have to maintain social distancing and/or wear mask/face covering.

Planning Board Committee

Chairman Foulon

Member Slater

Member Strobel

Member Crilly

Mayor Mahler: I'll appoint two people from the Mayor & Council. It'll be myself and one of the Council Members. We'll get at least one or two members from the Board of Adjustment. Actually, and the Building Inspector also has to be on this Committee. He sees stuff all day long. He's the one that has to bring things to our attention.

Member Slater: What is happening with the Lakeland Bank property there, other than nothing?

Board Secretary: I think he is going to be coming back with a Final Site Plan Approval. I spoke to Attorney Rubin, who was under the impression that he didn't have to. I referred him back to the Resolution where only a Preliminary Site Plan was approved and that there were quite a few changes that the Board had requested and he has to come back for Final with the County and with us. The owner contacted the department to demo the building and that is how everything came up.

RESOLUTION: None

VOUCHERS: submitted by Steven J. Veltri, Esq. for attendance at the September 17, 2020 Meeting in the amount of \$400.

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

MOTION TO ADJOURN AT 9:30 P.M.: Motion to adjourn meeting made by Member Slater, seconded by Member Leonard. Motion carried by a voice vote.

Jennifer A. Fiorito, Planning Board Secretary