

MINUTES

REGULAR MEETING, THURSDAY, FEBRUARY 24, 2011 AT 7:00 P.M. OR AS SOON THEREAFTER AT BOROUGH HALL

OPEN PUBLIC MEETINGS ACT.

BOROUGH CLERK: this meeting is being held in accordance with the rules and regulations of the Open Public Meetings Act of the State of New Jersey. Adequate notice of this meeting was provided by forwarding a Sunshine notice which included the time, date and location of this public meeting of the Mayor and Council.

ROLL CALL:

COUNCIL MEMBERS: Councilman Yampaglia, Councilman Bianchi, Councilman Hughes, Councilman Johnson, Councilman Tanelli and Councilman Kearney

ALSO PRESENT: Mayor Peter C. Massa, Borough Clerk, Terence M. Wall, Borough Attorney, Randy Pearce

PLEDGE OF ALLEGIANCE

Administrator Wall – next item on the agenda is a redevelopment meeting as far as the process, I'd like to defer it to Mr. Pearce Borough Attorney for our process on this redevelopment application.

Borough Attorney Pearce – Mr. Gaccione, just for the record ladies and gentleman, the Mayor and Council pursuant to our new [inaudible] redevelopment ordinance is the redevelopment authority for purposes of hearing applications [inaudible] to a certain jurisdictional area that is where this particular property is located. So the first portion of the Mayor and Council meeting tonight is going to involve a more of a zoning and planning meeting and when we're finished with that hearing, we'll then move on to regular business. Gaccione.

REDEVELOPMENT

Robert Gaccione – Mayor, members of the council, my name is Robert Gaccione from Gaccione Pomaco. I represent Midstate Construction and 76 Porete Ave LLC. My client's filed an application in May of 2010 for the then North Arlington Zoning Board. Its based on a letter of denial issued by the zoning official. Letter cited two violations. Those being two principle buildings on one lot and certain bulk requirements of the Porete Ave redevelopment area. Subsequent to a letter from the board attorney, additional documentation was prepared and submitted to the board. The matter was scheduled for September 8 2010. On that date, I received a letter from the zoning board attorney advising that the case was adjourned to October 13th 2010 because a jurisdictional issue had been raised. Since that September date, the property has remained basically vacant and my client has been trying to find a quorum to be heard. All the while continuing to rent 74 Porete Ave and operate basically out of that location. Based on the redevelopment plan and the Neglia review letter, there is a potential use issue on the question of two principle buildings on the lot and bulk issues. As to the use issue you'll hear from my client's planner with regard to his opinion that the second building is an accessory building for an accessory structure. With regard to the bulk issue, the architect and engineer and planner will discuss the preexisting nature of the violations. The witnesses you'll hear from are Naderi, the project manager of MidState, Anthony Guzzo, the architect, and Anthony Marucci, the planner and engineer. The major stockholder of the company and the owner of the real estate Alex Tager is unavailable; he had a long planned vacation but he did not want to have the case adjourned because he's anxious to have it heard. So, his representative is his project manager. Mr. Naderi will review the history of the property and the business operation of MidState. Anthony Guzzo will describe the existing structures and review the parking ingress and egress. Anthony Marucci will discuss some site issues and review the variance. At the conclusion I think it should be clear that my client should be designated as the redeveloper for this site and any change required to the redeveloper plan or any variance from it should be approved in order to allow my client to proceed with the use of the two preexisting buildings. I'd like to call my first witness, Mr. Naderi.

Borough Attorney Pearce – state your name for the record please.

Mr. Naderi – Naderi.

Borough Attorney Pearce – how do you spell your last name?

Mr. Naderi – N, A, D, E, R, I

Borough Attorney Pearce – please raise your right hand Mr. Naderi. Swear to tell the truth, the whole truth, and nothing but the truth so help you God.

Mr. Naderi – I'll tell the truth, the whole truth, and nothing but the truth, help me God.

Borough Attorney Pearce – proceed Mr. Gaccione.

Mr. Gaccione – Mr. Naderi, what is your business address?

Mr. Naderi – 74 Porete Avenue, North Arlington, NJ.

Mr Gaccione – and your occupation?

Mr. Naderi – I'm a civil engineer.

Mr. Gaccione – and by whom are you employed?

Mr. Naderi – Mid State Construction.

Mr. Gaccione – and for how long have you been...

Borough Attorney Pearce – Mr. Gaccione I'm sorry could you move those mics a little bit closer so we can make sure we have a good record? I apologize for interrupting.

Mr. Gaccione – it's okay. And for how long have you been employed by Mid State?

Mr. Naderi – about 11 years.

Mr. Gaccione – and can you, strike that, where is the business currently located?

Mr. Naderi – 74 Porete Avenue.

Mr. Gaccione – and can you generally describe what the company does?

Mr. Naderi – we're a small general contractor. We do [inaudible] steel, [inaudible] concrete masonry and waterproofing.

Mr. Gaccione – and who is the principal owner of the company?

Mr. Naderi – Alex tager.

Mr. Gaccione – and just give us very briefly how long he's been in business and what his background is?

Mr. Naderi – he's a P.E. and he's got an M.S. in civil engineering and he's been in business for about 22, 23 years.

Mr. Gaccione – you indicate that you operate at is 74 Porete Ave. Does Mr. Tager own 76 Porete Ave?

Mr. Naderi – yes.

Mr. Gaccione – and when did he purchase it?

Mr. Naderi – in 2006.

Mr. Gaccione – and what do you want to use 76 Porete Ave for?

Mr. Naderi – we want to move our business over there. The front building is going to be our office and a small storage area and the back building we're going to use it to basically manufacture our steel, like a small steel shop basically.

Mr. Gaccione – can you just explain a little further just so the board doesn't think you got a major steel operation back there? This is a small building. What exactly would you be doing?

Mr. Naderi – we're going to be fabricating railings, ladders, like I said miscellaneous steel.

Mr. Gaccione – and did you obtain strike that. Did you construct or Mr. Tager construct since the acquisition the building in the rear?

Mr. Naderi – yes we did.

Mr. Gaccione – and did you get permits to do that?

Mr. Naderi – yes.

Mr. Gaccione – and what led to you being asked to seek a land use approval for the use of this land and buildings?

Mr. Naderi – we applied for a permit to run power to the building at the back.

Mr. Gaccione – and as a result of that application you were told you had to make the land use approval, is that correct?

Mr. Naderi – yes.

Mr. Gaccione – and what is the number of employees you currently expect to have at the proposed location?

Mr. Naderi – basically three people at the office, me, Alex, and one other person and then about three people at the back.

Mr. Gaccione – and do most of the employees that you have at Mid State go directly to the job site?

Mr. Naderi – that's correct.

Mr. Gaccione – and where are the majority of your job sites?

Mr. Naderi – in New York City.

Mr. Gaccione – and what would the hours of operation be at this location should the application be approved?

Mr. Naderi – 7 in the morning to 5 in the afternoon.

Mr. Gaccione – I have no further questions to this witness.

Borough Attorney Pearce – Mr. Gaccione if I may? Just for the benefit of the people who might be here for the Mayor and Council meeting, could you assist us, could you have the plan..do you have a copy of the plan with you?

Mr. Gaccione – absolutely.

Borough Attorney Pearce – there will be a public portion of the meeting tonight ladies and gentlemen if anyone has any questions after the Mayor and Council ask their questions, we'll have a public portion and I'd like if you could just Mr. Gaccione have your witness...

Mr. Gaccione – my architect copy the plan.

Borough Attorney Pearce – just so everyone can understand when we're talking about two different buildings, which one is currently being used, which one was most recently built and the things you'll be testifying to can be better understood by the members of the public.

Mr. Gaccione – put a plan out for to pass around in the back.

Borough Attorney Pearce – yeah, actually one out there but do we have a copy of the, if you could have your witness point to the plan itself. The buildings themselves Mr. Gaccione.

Mr. Gaccione – my architect is the very next witness so if you want, you can hold any questions you might have for Mr. Naderi, put the architect on and let him review the building right now.

Borough Attorney Pearce – the problem with that is your architect doesn't have knowledge as to the actual day to day operations at the sight. That's why I want to have the person who's most knowledgeable.

Mr. Gaccione – Naderi, wind don't you come up here. I'll just ask you a few questions [inaudible] clarification. Is this the site we're talking about that was bought by Mr. [inaudible] back in 2006 and is this the building that was in existence at that time?

Mr. Naderi – yes.

Mr. Gaccione – and is this your building that you corrected with approval from the construction official's office?

Mr. Naderi – yes.

Mr. Gaccione – and what is it that you want to use this building for?

Mr. Naderi – an office and small storage.

Mr. Gaccione – and what is it that you want to use this building for?

Mr. Naderi – small [inaudible].

Mr. Gaccione – and again you'd expect to have three employees in the front building and have an office use and some storage?

Mr. Naderi – yes.

Mr. Gaccione – and you will repeat if you would what you plan to have in the back building and how many employees.

Mr. Naderi – about three employees. And use it as a shopping [inaudible].

Mr. Gaccione – and are you currently located right next door?

Mr. Naderi – yes.

Mr. Gaccione – and if this application is approved, will this lease be given up to not be used by your company?

Mr. Naderi – yes.

Mr. Gaccione – any further questions Councilor?

Borough Attorney Pearce – yes just a couple. Mr. Naderi, the hangar like building, the over building, is that the newer building or the older building?

Mr. Naderi – this is the newer building. This is the one at the back.

Borough Attorney Pearce – okay, when you obtained a permit, what was the purpose of the structure when it was originally built?

Mr. Naderi – it was the perfect size. It was supposed to be a shed for storage.

Borough Attorney Pearce – without the ability to utilize it for operations for fabrication for offices, simply for use of the shed.

Mr. Naderi – yes yes.

Borough Attorney Pearce – and the other building, what is currently being done on that building?

Mr. Naderi – this the one in the front?

Borough Attorney Pearce – the small square or rectangular building.

Mr. Naderi – yeah we're not, just this is small storage being done. We're not, we haven't moved the office to [inaudible].

Borough Attorney Pearce – what was the prior use of the rectangular building?

Mr. Naderi – this one was office, office and a storage.

Borough Attorney Pearce – for what purpose, what company?

Mr. Naderi – before we acquired this building?

Mr. Gaccione – yes before you acquired the building, who owned it if you know?

Mr. Naderi – oh there was another company that use to build garbage compactors.

Borough Attorney Pearce – and you took it over roughly in 2006?

Mr. Naderi – yes in July 2006.

Borough Attorney Pearce – in 2006 until 2011, what was the rectangular building used for?

Mr. Naderi – storage.

Borough Attorney Pearce – where are the rest of the operations of MidState conducted?

Mr. Naderi – 74 Porete Avenue.

Borough Attorney Pearce – so the entire time that you owned 76, the front building was used for storage, the back building did not exist?

Mr. Naderi – did not exist.

Borough Attorney Pearce – and your offices are currently located at 74 and you want to move those from 74 to the front building in 76?

Mr. Naderi – that's right.

Borough Attorney Pearce – utilized the rear building for what?

Mr. Naderi – for [inaudible].

Councilman Hughes – Mr. Naderi I have a question. On the plans that we have here, we're actually showing two offices in that rear building so what is the intent or the purpose of those two offices that are on the blue print that we have here before it?

Mr. Naderi – two offices? The rear building?

Councilman Hughes – yes the plan that was submitted to the board show a storage area, it shows the men's and women's toilets and actually three small offices.

Mr. Naderi – oh that's the front of it, that's the office building, that's the...

Councilman Hughes – no, this is the...

Mr. Gaccione – I don't think that's the case.

Councilman Hughes – you may be right. Okay, I see it now there's [inaudible].

Mr. Gaccione – Mr. Pearce, do you have a copy of the construction permit? You have a copy?

Borough Attorney Pearce – I do not.

Mr. Gaccione – want me to put it on record.

Borough Attorney Pearce – please.

Mr. Gaccione – Mr. Naderi I showed you a copy of the construction permit from '09 and another building code permit which is also from '09 and another construction permit from '09. Can you identify please as the documents you gave to my office for the construction with the approval for the rear building?

Councilman Tanelli – councilor, you want to mark them as A-1, 2, and 3 or whatever way you want to mark it is fine with me.

Councilman Bianchi – Mr. Gaccione I have a question for you. What are you going to do with 74, what's your?

Mr. Gaccione – no they don't own 74. Their tenants are at 74, they're given it up. They bought Mr. Tager who I'm sorry is not here bought 76 with the intent of owning the property and operating his business out of there because of the difficulty with the approval process and he's continued to pay rent and lease the other building and operate out of that building which he will if this is approved, give up that lease.

Councilman Bianchi – your client is the one who put the shed up or that shed was there?

Mr. Gaccione – absolutely he put the rear shed up and I just handed Mr. Pearce the three bits for that shed which at the time he put it up, he asked for storage and then when he asked for the electricity I guess to be put into the building, the construction official said he had to go for approval.

Borough Attorney Pearce – does any other member of the board have any questions of this witness?

Mr. Gaccione – again there are two more witnesses. The architect and the engineer and planner. I will be trying to qualify in both capacities.

Borough Attorney Pearce – rather than doing this piece mail on each witness, when we're finished with the presentation, we'll allow anyone from the public to ask questions to any one of the three witnesses rather than doing them one at a time.

Mr. Gaccione – okay Mr. Naderi, you can have a seat.

Borough Attorney Pearce – okay Mr. Gaccione.

Mr. Gaccione – my next witness is the architect Anthony Guzzo, if you would swear him in please.

Borough Attorney Pearce – Guzzo, you swear to tell the truth, the whole truth, nothing but the truth, so help you god?

Mr. Guzzo – yes I do.

Borough Attorney Pearce – is it G, U, Z, Z, O?

Mr. Guzzo – yes.

Borough Attorney Pearce – where's your office located?

Mr. Guzzo – 608 Ridge Road, Lyndhurst NJ.

Mr. Gaccione – Mr. Guzzo, what's your occupation?

Mr. Guzzo – I'm a licensed architect.

Mr. Gaccione – and how long you practicing in the field of architecture?

Mr. Guzzo – over 15 years.

Mr. Gaccione – and from what school did you graduate?

Mr. Guzzo – New Jersey Institute of Technology.

Mr. Gaccione – what degree did you obtain?

Mr. Guzzo – the bachelors of architecture degree.

Mr. Gaccione – are you a licensed architect in the state of New Jersey.

Mr. Guzzo – yes I am.

Mr. Gaccione – briefly tell the board some of the experience you've had in the field of technology and I think you can make it brief.

Mr. Guzzo – yeah, we're a very diverse firm. We do a lot of commercial retail space and also some residential. I do work throughout the state. I'm also a licensed architect in the state of New Jersey, Maryland, and Delaware.

Mr. Gaccione – I can continue to qualify him if you want but I think there's enough information to allow him to be qualified at this time as an expert in the field of architecture.

Mayor Massa – members of the council want to question the architect's qualifications any further or do you accept his representation?

Borough Attorney Pearce – just one question. Have you testified before a planning board, zoning board, mayor and council in New Jersey?

Mr. Guzzo – yes I have.

Borough Attorney Pearce – how many times?

Mr. Guzzo – I would say close to a hundred.

Mr. Gaccione – I don't think he's been before the Mayor and Council very frequently but he's been before planning boards in Lyndhurst and North Arlington on a regular basis.

Borough Attorney Pearce – with no objection from the board, we'll accept Mr. Guzzo as a expert in architecture.

Mr. Gaccione – Mr. Guzzo were you [inaudible] architectural plans for the structure?

Mr. Guzzo – yes I was.

Mr. Gaccione – and would you describe the existing site?

Mr. Guzzo – yes the existing site is approximately about a 50 by 240 foot site located at Porete Avenue consisting of two buildings prefabricated metal buildings that's reflected in our drawings and our plans P1 and P2. You'll see P1 consists of a site plan and P2 actually has floor plans of the two existing buildings.

Mr. Gaccione – would you briefly describe the structures themselves on the lots, on the lot.

Mr. Guzzo – yes, the front building which faces Porete Avenue is actually again a prefabricated metal structure probably constructed around 1970. That is it contains offices, some storage, some toilet rooms. The back building which is the newer building which is recently constructed is again a prefabricated metal building that sits towards the rear of the site and that's what we're here for as far as the use is concerned.

Mr. Gaccione – do you plan any alterations or additions to either of the structures?

Mr. Guzzo – no.

Mr. Gaccione – would you describe the interior of the front building?

Mr. Guzzo – yes, if you want to actually take a look at the layout, it's our drawing P2 consist of two small offices towards the front area of the building with another side small office. As you proceed toward the back you actually have a small storage area with a man door and an overhead door towards the rear and main entry to that front building is through a front man door along the front of the property.

Mr. Gaccione – and would you describe the interior of the rear structure as it now stands?

Mr. Guzzo – yes, it's an exposed construction as far as there's no interior finishes in the building. Again you have a curved arched roof on the structure itself. Its about 21 feet high. With the exposed construction there with concrete [inaudible] based.

Mr. Gaccione - and are there any plans to do anything to the interior of that building?

Mr. Guzzo – no there are not.

Mr. Gaccione – and would you describe the existing signage?

Mr. Guzzo – currently there is no signage at the adjacent property that they are leasing right now. They just proposed a small lettered sign that's actually going to go on the door itself so we are not proposing any type of an illuminated or box signs on the building.

Mr. Gaccione – and would you review the ingress and egress?

Mr. Guzzo – yes, towards the north of the end of this site is actually the driveway location. We have a curb cut out front that leads to a driveway along the side of the building about 17 feet wide. That gives us access to the back yard but also the front yard there is several parking spaces currently there. Approximately three parking spaces along the front of the building. So the whole front of the site is actually taken up by a drive aisle and actually a few of the parking spaces that are provided onsite. The driveway access that leads us to the back so there's two way access to the back area which is actually an open rear yard. There are two storage trailers on site currently, they are existing, they are more or less box trailers right now that is used for some material storage and that also provides us access through the existing building through a paved area all the

way to the back and an open garage door which leads us into that storage unit uh storage building that's located to the rear.

Mr. Gaccione – in the process of describing the ingress and egress you mentioned the parking. Would you specifically describe the proposed parking?

Mr. Guzzo – yes, again there are few parking spaces located three of them currently along the front of the building and in front of the site. We are proposing three additional striped area of parking to the rear of the building to bring us into better conformance with the requirements.

Mr. Gaccione – when you said better conformance, the requirement is 6.02 spaces and this does comply does it not?

Mr. Guzzo – we are providing six.

Mr. Gaccione – and have you had an opportunity to review the Neglia report?

Mr. Guzzo – yes I have.

Mr. Gaccione – and you have any comments with regard to that report?

Mr. Guzzo – yes, what we did is we prepared a revised plan if we need to take a look at it but we did try to address all of the comments that pertain to the architecture portion of this Neglia's review letter which is actually dated 2/17/2011. We wanted to make sure we could address any concerns or any items that might be needed to be incorporated into the plans. So if I may I'll just go through some of the general comments here and refer to the items and how we plan to address them and actually have an exhibit here if we need to refer to that.

Borough Attorney Pearce – just one moment, is everyone on the council have a copy of Neglia's letter? I just want to make sure just so everybody can follow along. Sorry go ahead.

Mr Gaccione – Anthony would you continue with your review of the Neglia letter?

Mr. Guzzo – sure on page 3 of the Neglia letter under general comments item #2 trash and recycling containers shall be located on the site. We have revised the plan to indicate a new trash and recycling area, a fenced in area to be located between the two storage trailers in the rear so we do have adequate space to incorporate that into the plan.

Mr. Gaccione – just go back to item #1 just to clarify Anthony the last sentence of item #1 talks about differentiating between the existing and proposed elements, is it correct to say there are no proposed elements on the site?

Mr. Guzzo – that is correct.

Mr. Gaccione – continue then I think your now on point #3.

Mr. Guzzo – the applicant, well actually I'm just going to jump around just to the items that pertain to me and again there are some additional items here that might need to be addressed by others. Item #5 under general comments page 3 the applicant shall provide testimony regarding the feasibility of incorporating sustainable design measures on the site. They're all existing conditions. There really is no work here that would lend itself to sustainability. The one feature that does give us some sustainability on the site is incorporating trash and recycling which is a federal organization than what they have right now of separating the trash and incorporating the recycling into the overall use of the building in which is really our only sustainable design measure that we are incorporating.

Mr. Gaccione – I just have a comment and Mr. Pearce you can check it. I don't see that #6 is applicable, I don't see any encroachments. So if this any I'm sure we can try and work out an easement.

Borough Attorney Pearce – I think to be honest with you Mr. Gaccione, I've read this and reviewed the plans. There was a concern being raised as between the use of 74 and the adjacent property which is 76 and I think that's where Mr. Neglia's concerns [inaudible].

Mr. Gaccione – right so I think we clarified that by indicating we will have, if this gets approved, we will have nothing to do with the adjacent property. We'll be giving up our leash and be using only this [inaudible]. Anthony would you continue with I believe your next comment has to do with number 7?

Mr. Guzzo – correct. The building entrances and over head doors shall be located on the site plan. What we did under the revised site plan, we have no, indicated some triangular indicators; one with a D and one with an O to indicate a man door or an overhead door just so that could be referenced on a site plan but if you look further at our drawing P2 which is elevations of the rear building and floor plans of both buildings, you'll see that the doors and overhead doors are located on those plans also. So that can we can accommodate that. Item number 8, utility connections, size type locations for the rear building shall be located on the site plan; what we're proposing here are two utilities out to this existing building which would be a new gas line for hearing purposes and a new electrical line which we proposed to run underground so they would actually trench underground and locate the piping there so there'd be no overhead lines over from the existing building to the front building to the rear building. And we have located that on the revised plan and we can accommodate that item.

Councilman Hughes – just so I understand that, so there's not going to be a separate service to the new building?

Mr. Guzzo – no there will not be a separate service. There's a very very minimal requirements there especially if we're going with some gas heaters there just to provide a tempered atmosphere. So the gas is actually going to be providing the heat which is typically the biggest draw for if the option to that would go all electric. So we want to bring for efficiency we want to bring gas out there and electric just for the minor power requirements that are needed.

Mr. Gaccione – and you're able to locate that information?

Mr. Guzzo – correct, correct. What I did on the revised site plan we will I just indicated a trenched area with two underground utilities that we will run some new piping out there for to accommodate the gas and electric.

Mr. Gaccione – continue on page 4 if you would.

Mr. Guzzo – okay, it's kind of a carryover parking circulation that carries over. Just to touch base, there was an updated parking requirements that basically put us at the same heart that were at right now 6.02 spaces required. We are providing 6. There was an additional comment after that item number 2 on page 4 and in accordance with the American with Disabilities Act one band accessible handicap parking space must be provided on site. We took a little closer look at the plan and we felt that would best be suited to be located in the rear with one of the three spots so what we're going to do is provide an 8 foot by 19 parking space with an adjacent striped aisle of 8 feet by 19 feet along side that spot which would bring us into conformance with that requirement.

Mr. Gaccione – could do next comment is with regard to number 4 on page 4.

Mr. Guzzo – correct. The existing curb cut for the site is approximate 17 feet wide. Driveway should be a minimum of 24 per the new requirements. We can accommodate that that really is not an issue; we can extend that 17 foot wide driveway to 24 and we have showing that indicated that on the revised plan.

Mr. Gaccione – item number 5.

Mr. Guzzo – item number 5, the parking stalls located along the westerly portion of the site appear to utilize property beyond the lot lines to maneuver. There is were very close to the adjacent building and adjacent property here with the parking spaces and actually item number 2 actually helps us out there. We were proposing handicap space towards the front of the building

but with three regular parking spaces now located in the front with their basic requirements we will not be encroaching on the adjacent property for maneuvering purposes as far as backing up or turning radius so I don't see that as an issue.

Mr. Gaccione – can you go to [inaudible] item number 9?

Mr. Guzzo – testimony shall be given to the weight type and usage of a storage trailer shown on site. These are our typical truck trailers approximately 8 feet wide by 40 feet long and they're about 8 feet high possibly a little bit lower. And again they're just used for a dry storage right now and they are located on our site plan and like I said we are using them in they're actually located at the southern end of the site where also does not interfere with our parking, it does not interfere with out trash and recycling area that we're creating.

Mr. Gaccione – and would you comment on number 10 please?

Mr. Guzzo – yes, in accordance with the Porete Avenue redevelopment plan, two loading spaces are required, this is a new requirement that's actually in the redevelopment plan. Due to the nature of this site which is very small industrial type site, there really is no need for loading area, large loading. I have spoken with the client. Any trucking that they get is on a very small scale. There is no large trucks or full size trucks coming here for that requirement to have full size loading bays incorporated into the plan.

Mr. Gaccione – and is it correct to say this is not a warehousing and distribution operation anyway?

Mr. Guzzo – correct.

Councilman Hughes – I have a question on that though the owner indicated earlier they're going to be manufacturing certain steel products there that would be used in conjunction with their construction such as ladders and so forth; I don't consider a ladder a very small item to maneuver by a UPS truck so how would stuff you know steel of that length and everything be delivered and handled on the site?

Mr. Guzzo – typically from what I observed there most of the sections are larger like fence type sections, maybe the maximum 8 feet high, typically box trucks is what they are using for transporting that small fabrication or fixing of an item that gets transferred back to the site.

Councilman Bianchi – where are you manufacturing now?

Mr. Gaccione – I can ask Mr. Naderi a couple of questions, if you don't mind I can call him back, he's already been sworn in. Mr. Naderi, what is the largest type of product that you would manufacture?

Mr. Naderi – I would say between 10 to 16 feet maximum.

Mr. Gaccione – and where are you manufacturing those things now?

Mr. Naderi – at 74 Porete Avenue.

Mr. Gaccione – thank you.

Councilman Bianchi – also to the building that you're going to turn this shed into a manufacturing unit, where are the bathroom facilities for this property?

Mr. Guzzo – it's my understanding that this area, the manufacturing area is actually going to be a supplement to the main building so its not actually going to have a full time employees there on a constant basis...

Councilman Bianchi – principal structure once you run electric to it and gas, water.

Mr. Gaccione – Councilman we don't really think it's a principal structure because it's an accessory structure. It's just part of the, the principal structure is the main building in the front

where the office is and where they operate out of. This is a business that they have mainly people that work in New York City. That's the principal aspect. This is just an accessory structure in the back of the building is the board where they determined that it's a principal structure. Obviously needing your approval to have it as a principal structure but the most they're talking about is having 2 or 3 people in the rear when needed for what they have manufactured. You look at that building, it's not a big building, they're not going to do a lot of work back there.

Councilman Bianchi – if this was granted, would you be willing to deed restrict it?

Mr. Gaccione – deed restrict it what way, I'm sorry?

Councilman Bianchi – that you couldn't sell, move your business to the back and sell the front?

Unidentified speaker – subdivide it?

Mr. Gaccione – absolutely, I don't see that as an issue. I don't have a client here but I can almost subject to calling the client but I would represent that anything your saying with regard to subdividing that piece, we have no problem with. I don't think it's subdividable. If you're talking about...

Councilman Bianchi – renting out the front to another company, your front office to another company and manufacturing and having an office in the shed that you supposedly have.

Mr. Gaccione – just to check with the client representative, as far as the subdivision I can represent to you they would not subdivide it and have two different companies on there. As far as renting out sometimes times require you've got financial problems [inaudible]. They definitely will agree to that.

Councilman Bianchi – to a deed restriction?

Mr. Gaccione – to a deed restriction that says it's a principle and accessory use for their business and their business only.

Councilman Bianchi – one of the problems I have with this is we're in a redevelopment area and right in back of your property we're getting ready to start selling that property to be redeveloped and if we grant this tonight, this opens up Pandora's Box for everybody along Porete Avenue and everybody [inaudible] that's going to buy property in the back by the Meadowlands when they sell it. So that has a little bit to do with this application, not so much a hardship on you, it'd be a hardship on the whole town if we start allowing people to put two principle structures on a piece of property so if your neighbor for instance the people that you're renting to now want to put a building in the back of their property, we couldn't stop them.

Mr. Gaccione – Councilman, we have no problem based on what my client said, he will not do anything but have one business at that location, not looking for a second principle business at that location, not looking at any other businesses at that location.

Councilman Bianchi – and what's the hours of operation?

Mr. Gaccione – the hours if I didn't have to testify to that you have my apologies its 7 to 5 but I can put it back on the stand to have it testified to.

Councilman Bianchi – and the noise level. If you're going to manufacture metal, ladders, you're starting to bend the aluminum and banging aluminum and trucks are coming in and out of there. What about the noise level...

Mr. Gaccione – the major part of this business is far from that. The major part of this business is construction work in New York City. This is just an ancillary thing that they do with regard to the manufacturing but would you say what the hours of your business are please?

Mr. Naderi – 7 in the morning to 5 in the afternoon.

Mr. Gaccione – and what kind of activity in the way of number of employees that work with regard to be manufacturing of these products that would be manufactured in the rear building?

Mr. Naderi – like I said there's going to be three people maximum working at the backside fabricating these different pieces of steel.

Mr. Gaccione – and as an engineer can you give us any idea of the noise level, the decibel level that might be heard I mean there's nobody really, at that site [inaudible].

Councilman Bianchi – there's really nobody there that's going to be pretty loud but does he know?

Mr. Naderi – I'm sorry.

Councilman Bianchi – if you're going to manufacture things out of aluminum, ladders, railings, it's got to be quite loud. That's what I want to know. Did you check into that?

Mr. Naderi – yes.

Councilman Bianchi – because you said you don't manufacture there now.

Mr. Naderi – we don't manufacture but we're manufacturing next door. I mean as you know all of that Porete Avenue is industrial building, is industrial business. We're not going to be making any more noise than we're making right now on 74 Porete Avenue, we just want to move to 76 we're not changing our business.

Mr. Gaccione – you're doing exactly the same thing as 74 am I correct?

Mr. Naderi – exactly the same thing. And we're going to be manufacturing it still, it's going to have some noise but it's not some...

Mayor Massa – well the councilman has asked a question regarding noise levels. That's an important component of any type of manufacturing operation. Had there been any dba measurements made, decibel by [inaudible] waiting...

Mr. Gaccione – we did not.

Mayor Massa – ... [inaudible] of the operation as it is? So we would have a reference as what the decibel level of is whether it be 50 decibels, 100 decibels, 23, that's a very appropriate question the Councilman brings up.

Mr. Gaccione – in most towns I appear, the requirement with regard to decibel level is as to when it hits a residential zone. The zone you happen to throw out, 50 happens to be a number I'm dealing with in Nutley right now at the property line but on a residential zone, not on an industrial zone, none that I know of. I don't think there's anything in your ordinance to that effect. It would be very unlikely to have that kind of language in an ordinance based on my experience.

Mayor Massa – well our concern would be would 50 decibels or greater of construction noise or manufacturing noise be heard at somebody's back yard, up the hill where sound travels along the ground?

Mr. Gaccione – well, I'm not an expert but [inaudible].

Mayor Massa – okay, I think maybe if the councilmen and the members of the body are so concerned, we might like to have some noise measurements made by a qualified acoustician...

Mr. Gaccione – obviously we could do that but we're doing exactly the same thing, we're not changing one thing, we've been there for years doing the same thing, we're not changing anything and obviously to our rear is the garbage dumps. I'm sure you know that. And along that street is nothing but manufacturing whatsoever. You're down...

Councilman Bianchi – Mr. Gaccione, not to interrupt you but raised a red flag with this was the amount of electricity that's being brought into your building. It's not just a regular 120 or 220 service. You're asking for a lot of power. So that means you're going to have to have some pretty big machinery in that room in that shed.

Mr. Gaccione – Naderi can you explain why you're asking for whatever power you're asking for?

Mr. Naderi – its mostly for welding machines.

Councilman Bianchi – welding machines.

Mr. Naderi – welding machines need a lot of power. A small welding machine needs 220 volts 50 amps. And if you have three welding machines working at the same time, that's 150 amps.

Mayor Massa – each machine is 150 amps?

Mr. Naderi – no each one is 50.

Mayor Massa – each one is 50 at 220 volts ac?

Mr. Naderi – yes. I know the small one I mean the bigger ones are more but that's basically what it is.

Councilman Kearney – Mr. Naderi you have those machines at your present location?

Mr. Naderi – yes.

Councilman Kearney – and they're operating?

Mr. Naderi – yes.

Councilman Kearny – and all you're doing is asking for the same amount of power that you have at the present moment?

Mr. Naderi – exactly, we're not adding anything. We just want to move [inaudible].

Councilman Kearney – I understand, thank you sir.

Councilman Hughes – did that power usage or power acquirement create a need in the front building for the upgrading of the electrical service to that building?

Mr. Naderi – [inaudible].

Councilman Hughes – well you're running everything through the front building so I imagine its coming through the front building's meter, the front buildings circuit breaker box. Did it require an upgrade of the service to the front building?

Mr. Naderi – no no. We have that [inaudible] we have 250 amps already in the front building because before us there was another manufacturing [inaudible] they were [inaudible] like a garbage compactor and garbage trucks. So they have the power there, we just want to move it to the back.

Councilman Hughes – okay.

Mr. Naderi – and as far as noise, I don't have a decibel for you but for sure the trucks that passing by the streets made much more noise than what we [inaudible].

Councilman Bianchi – and on 74 where you are now, how many buildings are on 74, one or two?

Mr. Naderi – its one building.

Councilman Bianchi – you have your office in the front, you manufacture in the back?

Mr. Naderi – yes.

Councilman Bianchi – now you had this building built a shed, did you have intentions of down the road being here tonight?

Mr. Naderi – no.

Mr. Gaccione – I don't think he would understand the approval process so that question I don't know if he understands that.

Councilman Bianchi – it's a pretty easy question.

Mayor Massa – Councilman Johnson I think had a question.

Councilman Johnson – yeah, just a point of clarification, you will not manufacture railings or any kind of steel after 5 pm?

Mr. Naderi – no, we're going to stop everything.

Councilman Johnson – so that'll be the same as the offices in the front building?

Mr. Naderi – to be more exact, we're going to stop manufacturing at 4. Between 4 and 5 to leave the offices opened.

Councilman Johnson – so there won't be a time where 9, 10 o'clock at night you'll be manufacturing?

Mr. Naderi – no after 4 o'clock [inaudible] shop is closed.

Mayor Massa – is this a Monday to Friday operation? Any weekend work there?

Mr. Naderi – to tell you the truth sometimes we used to work when the [inaudible] was better, we used to work sometimes over the weekend, only Saturday's not Sundays.

Mayor Massa – and when you worked on Saturday, what time did you close up operation?

Mr. Naderi – 3 o'clock.

Mayor Massa – 2 o'clock?

Mr. Naderi – 3.

Mayor Massa – 3 o'clock. Continue Counselor.

Borough Attorney Pearce – yes, Mr. Gaccione.

Mr. Gaccione – okay, thank you. and we may call you again.

Mr. Naderi – thank you.

Mr. Gaccione – Mr. Guzzo, I call your attention again to the Neglia report. I think you may have had a comment with regard to the landscaping lighting and signage section on page 5.

Mr. Guzzo – correct. Actually under that, item number 3 we already mentioned about the display of signs, there are no signs, they're just looking for some lettering on the door that's similar to what they currently have now at 74, item number 4, the applicant shall provide testimony for the existing or proposed lighting structures on the site. Basically there's just existing lighting now. There's existing wall pack on the back of the existing building that lights up the yard. And the front is lit from street lighting itself. We're not proposing anything new.

Mr. Gaccione – I have no further questions for Mr. Guzzo.

Mayor Massa – thank you counselor.

Councilman Hughes – I do have one question under the landscaping under Neglia’s report it says the minimum of 10 foot landscaping [inaudible] along the public access public street...

Mr. Guzzo – yes.

Councilman Hughes – is that going to be provided?

Mr. Guzzo – no actually right now the way that the building and existing parking functions there is actually it’s the same condition that happens all along Porete Avenue that’s maybe a two inch high curb that’s left over and basically there’s a lot of front parking along the building. So that really restricts us from providing this new 10 foot buffer along the front of the building which would restrict all of our parking.

Councilman Hughes – okay.

Mayor Massa – any other questions of this witness that the members of the council might have?

Mr. Guzzo – thank you.

Mr. Gaccione – Mr. Marucci.

Borough Attorney Pearce – state your name for the record please. Just state your name for the record.

Mr. Marucci – Anthony Marucci, M A R U C C I.

Borough Attorney Pearce – address?

Mr. Marucci – 116 Whippany Road, Whippany New Jersey.

Borough Attorney Pearce – Mr. Marucci, you promise to tell the truth, the whole truth, and nothing but the truth so help you God?

Mr. Marucci – I do.

Mr. Gaccione – Mr. Marucci, what is your occupation?

Mr. Marucci – I’m a licensed professional engineer, land surveyor, professional planner in the state of New Jersey.

Mr. Gaccione – how long practicing in the field of engineering?

Mr. Marucci – since 1973.

Mr. Gaccione – and from what school did you graduate?

Mr. Marucci – Newark College of Engineering which is now know as New Jersey Institute of Technology.

Mr. Gaccione – and what degree did you obtain?

Mr. Marucci – civil engineering, bachelors of Science.

Mr. Gaccione – and are you a licensed engineer in the state of New Jersey?

Mr. Marucci – yes sir.

Mr. Gaccione – and briefly give the board the benefit of some of your experience in the field of engineering.

Mr. Marucci – for 28 years from 1973 to the year 2001, I served in municipal government starting as an assistant engineer for the city of Orange in Essex County New Jersey. I moved up to city engineer for two years and then I was appointed as a township engineer for the township of Bloomfield also in Essex County for the last 13 years of that career. In 2001 I formed my own firm, Marucci Engineering Associates LLC and I've been practicing for the last 9 years.

Mr. Gaccione – are you a member of any society's professional groups connected with your work?

Mr. Marucci – New Jersey Municipal Engineer's Society, New Jersey Society of Professional Land Surveyor also.

Mr. Gaccione – are you also a licensed planner of the state of New Jersey?

Mr. Marucci – yes sir.

Mr. Gaccione – and briefly give the board the benefit of some of your experience in the field of professional planning.

Mr. Marucci – in my capacity as township engineer for the township of Bloomfield I served as the public member of the planning board for 13 years I worked on the master plan revisions for the township of Bloomfield. In my own practice I have appeared before planning boards and zoning boards over 100 times over my career.

Mr. Gaccione – and we accept it as an expert both in the field of engineering and in the field of planning?

Mr. Marucci – yes sir.

Mr. Gaccione – I have no further questions if I can I'd like to submit that Mr. Marucci is qualified to testify both as to engineering detail and planning testimony.

Mayor Massa – any members of the council have any questions regarding his credential of qualifications?

Mr. Gaccione – Mr. Marucci would you please review the location of the property?

Mr. Marucci – the property is known as 76 Porete Avenue in the borough of North Arlington.

Mr. Gaccione – and what is the zoning at the site?

Mr. Marucci – well right now it's in the Porete Avenue redevelopment zone.

Mr. Gaccione – and is the proposed use of the property permitted by that redevelopment plan?

Mr. Marucci – yes it is.

Mr. Gaccione – And would you please describe the existing site?

Mr. Marucci – if I may Mr. Gaccione I have some photographs that I've taken that would help both myself and the members of the Mayor and Council.

Mr. Gaccione – want to call it A-4 Counselor?

Borough Attorney Pearce – yes please.

Mr. Gaccione – okay so we got a series of photographs of the site entitled A-4.

Borough Attorney Pearce – how many sets?

Mr. Marucci – there's enough sets for everyone.

Borough Attorney Pearce – we can mark them all as one set.

Mr. Marucci – yes yes sir.

Mr. Gaccione – okay, as the photographs are being distributed to the board members, Mr. Marucci could you please review them?

Mr. Marucci – yes, I took these photographs myself actually yesterday, I've been on the site a few times, I've had conversations with Mr. Tager, the owner of the property. Photograph number 1, I've taken from the right from Porete Avenue facing the front building it's the darker colored building and you could also see a portion of the newer rear building in the back with the overhead door. Photograph number 2 I went into the driveway and I took a photograph of the newer building, the one that was just erected a few years ago. Photograph number 3 I have taken of number 74 Porete Avenue which is the building that the applicants are presently using and just for my discussion purposes, I took a photograph in front of this site number 4 facing south just showing the different uses and structures on Porete Avenue facing south. And photograph number 5 is the same only facing North from our site.

Borough Attorney Pearce – do you have an extra set you can circulate [inaudible] public?

Mr. Marucci – sure.

Borough Attorney Pearce – thank you.

Mr. Gaccione – is there any issue with regard to topography at this site?

Mr. Marucci – no the reason I took the photographs I wanted the Mayor and Council to see that the site is basically flat, it's completely impervious. It's all paved and the rear of the property is all concrete, [inaudible] concrete. So it's 100% impervious and basically flat.

Mr. Gaccione – would you describe the existing drainage?

Mr. Marucci – there is again it's completely 100% impervious so the drainage is existing; there is a trough drain in the rear of the property in front of the garages that takes care of the drainage.

Mr. Gaccione – and are any changes required to that drainage?

Mr. Marucci – no again it's an existing site and there are no proposed changes to it.

Mr. Gaccione – would you review the proposal before the board?

Mr. Marucci – basically we're here because the site is in the Porete Avenue redevelopment area. In my opinion this site doesn't meet the redevelopment area in the fact that the redevelopment area permits offices and it permits light industry and that's the two combined uses that the applicants are proposing.

Mr. Gaccione – are there any bulk violations connected with the site and structures?

Mr. Marucci – yes there are the bulk requirements of the redevelopment area require a one acre minimum lot area and 22 foot setbacks and 80% coverage. Obviously the site is already developed and we do not meet the bulk requirements.

Mr. Gaccione – are you seeking any increase for any change whatsoever that would lead to additional violations or simply seeking an approval for the existing structures?

Mr. Marucci – we're only seeking approval of the existing structures.

Mr. Gaccione – have you reviewed the township engineer's report?

Mr. Marucci – yes I have.

Mr. Gaccione – and do you have any comments with regard to that report?

Mr. Marucci – my only disagreement with Neglia’s report is that they mentioned that we have two principle uses on this property and as was already testified to and I concur is that these are not two principle uses. The two uses have to be used in common because the rear building will not have any bathroom facilities. The only utilities that they’re requesting for the rear building is power and heat so that they can operate even during the winter months. There will be no bathroom facilities there so the two buildings have to be used in common and so my opinion, the rear building is basically accessory to the front building.

Mr. Gaccione – would you describe the area you’ve taken photographs and you mentioned the area but would you go a little further with regard to describing the area surrounding the building?

Mr. Marucci – well again if you look at photographs 4 and 5, Porete Avenue is an industrial area and it has a multitude of different types of uses. Across the street is an auto body facility and also across the street just to the south of us is a plumbing supply company or plumbing company and there are a number of construction companies along Porete Avenue. Some larger construction companies that even have cranes that I’ve witnessed there. So it is an industrial area.

Mr. Gaccione – now you mentioned the bulk variances, could you repeat those please and specifically state what they are?

Mr. Marucci – sure. In the redevelopment ordinance under bulk standards, the minimum lot size is one acre. We are an existing lot the plans kind of far away from me but I know that we’re less than one acre. Maximum lot coverage is 80%. Our lot coverage is 100% impervious. The minimum building setbacks from all property lines are 20 feet and we are in violation of those setbacks.

Mr. Gaccione – and are all of those violations pre-existing conditions?

Mr. Marucci – yes they are.

Mr. Gaccione – is the proposed use an appropriate use of the property?

Mr. Marucci – yes it is and it’s also permitted in the redevelopment plan.

Mr. Gaccione – and is it are the buildings being used together?

Mr. Marucci – well again that is my argument is that they have to be used together based on the fact that the rear building will not have any sanitary facilities so they have to be used together and again I heard the testimony that the applicant is willing to have a deed restriction to make that comply.

Mr. Gaccione – is the negative criteria also satisfied by the proposed use of the site?

Mr. Marucci – yes it is. In my opinion there is no detriment to the public good here. We’re in an industrial area. Again looking at the photographs is probably one of the cleanest industrial sites that I’ve ever seen and I’ve seen many. There is no detriment to the public. And there is no impairment to the zoning ordinance or zone plan because again the redevelopment plan permits light industry and office use which is what we’re proposing.

Mr. Gaccione – if approved, would the proposal have any detrimental effect upon the subject property or the surrounding areas of North Arlington?

Mr. Marucci – in my opinion no.

Mr. Gaccione – and I know it’ll be repetitive but can you basically review why you reached that conclusion?

Mr. Marucci – well again all of the adjacent properties and surrounding properties are industrial. As the applicant stated, the property that they're using right now is adjacent to the south number 74 where they are actually performing the same operations that they want to perform here and so in my opinion there is no detriment to the area.

Mr. Gaccione – I have no further questions of this witness.

Mayor Massa – thank you counselor. Any members of the council have any questions?

Councilman Hughes – I have one question on the drainage issue. You put a drain in the concrete. Where's that drain to? Does it go into the storm sewer in the streets? Does it go into the creek behind the building?

Mr. Marucci – I believe it goes, I had a conversation with Mr. Naderi and I believe it goes into the creek in the rear.

Councilman Hughes – okay and all the proper permits were obtained for that?

Mr. Marucci – I do not know, I can't answer that.

Mr. Gaccione – we would have to submit that afterwards. We did not come prepared to answer that question, I'm sorry.

Councilman Hughes – okay was that a preexisting drainage on that site or was it something added?

Mr. Gaccione – I don't think they did anything to change, I'd rather call Mr. Naderi up just to make sure. Mr. Naderi, you heard the question of Councilman Hughes with regard to the drainage. Have you done anything to change the drainage since the acquisition by your supervisor?

Mr. Naderi – no actually before the building everything was draining [inaudible]. What we did we just put a transfer in so that water doesn't go into new building and reroute it to the same creek.

Councilman Hughes – okay, thank you.

Mayor Massa – any other questions of the members of the council? Mr. Marucci would you be so kind to submit copy of the report to the councilor once he has...?

Mr. Gaccione – he does not have...

Mr. Marucci – I did not prepare a written report at this time.

Borough Attorney Pearce – he doesn't need it. His testimony is his report.

Mr. Gaccione – I have no further witnesses. Obviously my witnesses are available to answer any questions from the audience and Mr. Pearce indicated that if there are any citizens that have any questions, they'd be ready and able to hopefully answer them.

Borough Attorney Pearce – before we go into the citizens, let me just take you through a couple things since all your witnesses are here. In comment number 3 from Mr. Neglia, the applicant shall provide testimony to establish there's no dust, fumes, odors, smoke, or vibration above ambient levels are detectible on adjoining parcels. Do you have any testimony to satisfy that?

Mr. Gaccione – I think Mr. Marucci can testify as to that and so can Mr. Naderi. Anthony?

Mr. Marucci – well I can state again in speaking to the owner of the property that the intention here is to do all the fabricating inside the building so in that way there is no effect on the adjacent parcels.

Mr. Gaccione – okay Mr. Naderi I call your attention to the item mentioned by council and that would be 3, item number 3. Can you read that and advise the board to your response as to that?

Mr. Naderi – [inaudible] testimony to establish that no dust, fumes, odors, smoke, or vibration above ambient levels are detectible on adjoining parcels.

Mr. Gaccione – on adjoining parcels, obviously there's some on your own parcel.

Mr. Naderi – yes, obviously there are but like I said we're not going to have any dust, or odor, or smoke because we're going to be just cutting and welding steel.

Mr. Gaccione – and everything is done within the building?

Mr. Naderi – everything is inside the building.

Borough Attorney Pearce – and it's currently being done at 74 and there's no fumes created from a welding operation?

Mr. Naderi – there are some fumes even when we prime the steel, you're going to smell some paint when you go inside the building.

Borough Attorney Pearce – some sort of equipment that you have inside this new building that is going to contain the fumes?

Mr. Naderi – yes we have filters.

Borough Attorney Pearce – you do?

Mr. Naderi – yes we do.

Mr. Gaccione – Mr. Marucci had a comment if that's okay.

Mr. Marucci – if I may Mayor and Council again I've had discussions and prepare myself for this meeting with Mr. Taggart the owner. This isn't an operation where they're constantly welding or fabricating. Their construction company as was stated by Mr. Naderi is mostly renovating buildings in New York City. That's where most of their work is. And there are occasions where they might need a railing or a ladder to a fire escape and that's when they have to do the fabricating so its not a constant thing, it's when they need something done that is that they need for the particular job. Their work, this operation like most construction companies I'm aware of this is their office operation. They reviewed plans there too in order to bid projects but the work is on the projects themselves and occasionally they have to make these materials for those jobs.

Councilman Johnson – is there any type of exhaust system in the rear building?

Mr. Naderi – yes we do have ventilation fans mostly because of our guys when they're working there we don't want to have any harm.

Councilman Johnson – the fans open to the outside or are they just interior?

Mr. Naderi – they're filters, they're filter fans yeah we fan it to the outside.

Councilman Johnson – you fan it to the outside.

Borough Attorney Pearce – is that set forth in the plans the exhaust system?

Mr. Gaccione – Anthony?

Mr. Marucci – as far as an exhaust system and [inaudible] plans, no. We're just documenting the existing conditions there and proposed just general layout. We have not been involved with the actual construction in that building from the construction drawings or electrical or ventilation standpoint.

Mr. Gaccione – obviously they would be code compliant when they look for a certificate of occupancy with regard to the noise requirements so at that time we will assure the appropriate officials of North Arlington that we complied with the code.

Borough Attorney Pearce – sit down Mr. Guzzo while you're still here. Can someone speak to the issue of the use of the mezzanine in the rear building? I haven't heard any testimony with regard to the, is there mezzanine in the new building?

Mr. Naderi – yes there is.

Borough Attorney Pearce – what is the purpose of the mezzanine?

Mr. Naderi – storage. This is just for storage.

Borough Attorney Pearce – how do you get there?

Mr. Naderi – with forklifts and ladders. It's the stuff that we don't use it every day we put it up there because like I said this whole building was the purpose of this building was intended to be used as storage and since it was high we build a mezzanine in there so we can store more stuff in there.

Borough Attorney Pearce – let me go back to what you were talking about earlier Mr. Guzzo. under landscaping, our redevelopment area requires a minimum of 10 foot landscape buffer along the public streets and is it your testimony you're not providing anything in compliance with that.

Mr. Guzzo – we are not.

Mr. Gaccione – Mr. Guzzo is that the parking spaces, are there parking spaces that would not even be used for the landscape buffer?

Mr. Guzzo – correct.

Mr. Gaccione – and is there a landscaping on any other parcels on that street?

Mr. Guzzo – not that I'm aware of.

Mr. Gaccione – and is that the preexisting condition that's been there from the acquisition by your client?

Mr. Guzzo – yes it is.

Borough Attorney Pearce – do we have any testimony as to the we kind of touched on it but we didn't really go through it, the vehicles that are traveling will be traveling on and off of this site, how they're going to get around, the front parking, the rear parking, and access this building?

Mr. Gaccione – Anthony could you testify [inaudible]?

Mr. Marucci – the driveway on the northerly side of the front building is approximately 17 feet wide so there's plenty of road for vehicles to go in and out of the site and again the amount of traffic that's going to go in and out of the site is very minimal. As I stated before the work really isn't the site. The work is on other buildings and projects. There may be just one truck a day to take a railing out of this garage to bring it to a construction site so the traffic on this site is minimal and there's plenty of room for vehicles to maneuver in and out of the site.

Board Attorney Pearce – well can we get some testimony from Mr. Naderi as to the actual current...

Mr. Gaccione – Mr. Naderi, can you tell us how frequently trucks come to the site to pick up material or equipment that has to be brought to job sites?

Mr. Naderi – basically the trucks let me explain this the trucks 99% of the time are our trucks; we have two small dump trucks which is going back and forth to the job sites and usually its twice a day. In the morning they pick up some materials and then in the afternoon they come back. Sometimes maybe during the day they pick up some materials, take it to the some raw materials of fabrication take it to the shop and then a couple days after fabrication we got to take it to the job site so we don't have that kind of traffic, maybe two times, three times a day. Usually once in the morning once in the afternoon.

Councilman Hughes – are there going to be are these dump trucks actually stored on this property in the evening hours?

Mr. Naderi – yes.

Councilman Hughes – how many vehicles and how large are they?

Mr. Naderi – we have two and I believe they are seven tons capacity.

Councilman Hughes – dumptrucks.

Mr. Naderi – dumptrucks. One of them is 5 I believe the smaller, the other one is 7 tons.

Councilman Hughes – under CDL or over CDL?

Mr. Naderi – under.

Borough Attorney Pearce – Mr. Gaccione, can someone speak to the drainage issue other than the fact that it's existing. There's four comments from Mr. Neglia on the drainage and grading that we really haven't addressed.

Mr. Gaccione – Mr. Marucci, you're able to discuss the drainage and all.

Mr. Marucci – under drainage and grading, number 1 Mr. Neglia talks about the trough drain which we spoke about which based on Mr. Naderi's testimony it discharges out to the creek in the rear.

Mr. Gaccione – and the information obviously will be provided that they're asking for it but I don't know if Anthony Guzzo has provided that yet but he certainly will prior to any permits being obtained to continue.

Borough Attorney Pearce – it's going to be up the board with Mr. Gaccione but without knowing for example where the outlet pipe is, the invert information, should we show them the plans; the board can decide to disregard it as unnecessary. But it's clearly not in the plan. Correct Mr. Guzzo?

Mr. Guzzo – it is not.

Mr. Gaccione – they certainly the board certainly can make it a condition of any approval that this be submitted to the municipal engineer; I think that's a normal practice. I'm sure you're familiar with that having been a previous board attorney.

Mr. Guzzo – you want me to continue?

Borough Attorney Pearce – how about #2?

Mr. Guzzo - #2 mentions topographic information must be shown on the plans and at the present there is no topographic information, those [inaudible] are contours and again although it is existing if...is this going to the planning board?

Mr. Gaccione – well I have to admit I assume the procedure would be is this approval going to be a final approval from this governing body?

Borough Attorney Pearce – yes.

Mr. Gaccione – okay then...

Borough Attorney Pearce – for the record I don't know if this it's going to be approved or not.

Mr. Gaccione – I didn't mean that.

[Inaudible].

Mr. Gaccione – the question was there another step, I'm sorry I didn't make that clear? Mr. Marucci testified on [inaudible] that it was basically a very flat piece of property and therefore topographic information was not particularly relevant to the matter but again if you want elevations on that property you certainly can have those provided to you but it is as I'm sure everybody knows who's been out at the site a very flat piece of property.

Borough Attorney Pearce – how about number 3?

Mr. Guzzo – number 3 talks about the top and bottom of wall elevations again. The elevations are not shown; if it's necessary we would have to do that. One thing though it says that I believe in Mr. Neglia's report I believe they thought that the rear building was not built yet and they thought the walls were not built yet but again these are all built already because in number 4 I don't mean to skip around but in number 4 they talked about stability calculations to be submitted for any walls over 4 feet in height. These are already existing walls and they've been there so there really is no reason to submit any calculations at this time.

Mr. Gaccione – Mr. Pearce just in defense of my witnesses and myself, this application is I indicated in my opening comments has been floating around North Arlington for probably 7 or 8 months trying to be heard. This as you can see because I know Neglia is outstanding, I do a lot of work with them. As you can see this is dated February 17th. So we only received it a few days ago.

Borough Attorney Pearce – Mr. Gaccione for you and your clients on behalf of the board the Mayor and Council we apologize for the delay but it was necessary for us to pass the redevelopment plan and quite frankly due to the nature of the law in New Jersey would have been subject to it anyway. And while the delay is unacceptable and we apologize for that delay unfortunately what we're here with now is to deal with this application under the current plan and again the fact that you already received this within the last week while unfortunate we still have to deal with the board has to deal with it as a complete application. So I fully understand and it should not have taken this long but we have to deal with some of these issues and while these things may be existing when I charge the board later before they render their decision if they decide to run on this tonight, the use that this property is being put to is not existing. It's original application in 2009 was for a storage shed. That's what the application was for, now you want to convert the storage shed into a very different operation including manufacturing and fabrication etcetera. So all of these issues become relevant and the board has to have full knowledge and the town's people have to have full knowledge as to what's going to happen here.

Mr. Gaccione – there's no question that that is not existing and its consistent with the redevelopment plan both.

Borough Attorney Pearce – what's consistent?

Mr. Gaccione – the proposed use of the building.

Borough Attorney Pearce – unfortunately the reason you're here and the only reason you're here is because you have two uses two primary structures on the same property and under our new plan as Mr. Bianchi had mentioned so eloquently before is the first to be heard under our new plan and if we violate it on this application it could set a precedence. The board will have to decide whether that is true or not true but clearly the construction official and our borough engineer have both opined that this is in fact a situation requiring a variance because you have two principle structures on the same property; what you had originally was a front building and a storage shed. Now it's a totally different use.

Mr. Gaccione – I don't think that's correct, that it's two principle structures. I think it's pretty clear that it's an accessory. It's the same company it's the same operation. There are many businesses that have more than one structure and they're not principle structures. And if you check your definition of accessory building in your zoning ordinance, an accessory and I think it fits pretty clearly that this is an accessory building and fits within subordinate to the front building and the operation in the front building. This is not two separate principle owners. This is not two front separate businesses. I completely disagree with the conclusion because there in the next door property and is one big building. There's a difference because there's two separate buildings; that really defies logic that you would take that position. I just don't see it. I think this business is so consistent with what we have here at this location, I drove up and down that street today and they're immediately adjacent, the existing business, the new business should it be approved. And it's the same operation. We're going to have my client sit with that building for nine months without being able to do anything when he's doing the exact same thing next door. And I think he's completely consistent with the redevelopment plan. And again, my statement about Neglia Engineering's report was just in defense of my own witnesses. How could we be expected to change all plans after nine months when we get a letter that's dated February 17th and I obviously didn't receive it February 17th [inaudible] so we didn't even have it for a week before we had to be here so there's nothing we could have gotten done to comply with all these things and again I don't mean to be making a summation certainly the board sees fit to let this application be approved and I certainly think it should be approved based on the location of this property and all the testimony that's gone in. You certainly can condition it upon submitting to Neglia certain documentation that they are looking for if it can be done some of the things are really don't seem to apply because this is not under construction.

Councilman Bianchi – Mr. Gaccione.

Mr. Gaccione – yes.

Councilman Bianchi – the town of North Arlington has been battling that area for the last eight years. We finally came up with a plan, a redevelopment plan and we really basically wanted to stick to the plan. Once we start deviating from this plan, then it opens up everything. It opens up everybody along Porete Avenue. All the new people that are going to be buying property in back of you so that's the only thing that's bothering me. For eight years, four years I sat on this board, four years we struggled for redevelopment. Encap put us in a hole. I don't want to see North Arlington start going backwards, I want to see us going forward.

Mr. Gaccione – I certainly don't think you're deviating from the plan if you approve this. This is a use that's permitted that's existing that's there. There was no deviation. If there was a deviation I could understand. I understand you may have an opinion this is a deviation but our opinions differ. We're doing what is permitted in that redevelopment plan. We're doing it now. We're moving next door. We have two structures instead of one.

Councilman Bianchi – the only difference with what you say and what I say is you say there's not two principal buildings on that property. Our building inspector says there is.

Mr. Gaccione – well I mean that's the whole reason for land use. Every time I appear before a zoning board or a planning board is because the building inspector is saying a particular thing, you appeal from their decision.

Councilman Bianchi – you weren't in a redevelopment area, I could understand your argument but you're in a redevelopment area, that's why you're before us and not before the zoning or planning board.

Mr. Gaccione – other thing [inaudible] ask for a deed restriction. We're happy to say that there's going to be no tenant on that property. We're happy to say that the same entity is going to be operating it. The last thing...

Councilman Bianchi – all I can say is if the board deems to grant your permission to do this then a deed restriction would have to be put into that property where you cannot re-rent the front to anyone else, sell it to anyone else, and keep the back piece of property.

Mr. Gaccione – we agree not to subdivide it or have two separate business entities on that property and we'd be happy to put it into a deed restriction.

Councilman Johnson – and how about changing the use of the back building? The original was to be a storage shed and now Mr. Naderi said that the use has changed. Now it's going to be manufacturing?

Mr. Gaccione – right. That is the whole application we're going to do and again that's consistent with the redevelopment zone.

Councilman Kearney – Mr. Gaccione, can I address your client?

Mr. Gaccione – sure.

Councilman Kearney – Thank you. Mr. Naderi I just wanted to clarify something that your attorney had said but I didn't hear that testimony from you and basically in looking at the pictures and going down the Porete Avenue, it looks like the building the front building on 76 Porete Avenue is of similar size to the building you presently occupy 74 Porete Avenue, is that accurate or no?

Mr. Naderi – the front building?

Councilman Kearney – yes, the front building of 76, is it approximately the same size as 74?

Mr. Naderi – no.

Councilman Kearney – is the front building on 76 much smaller than that one..?

Mr. Naderi – much smaller.

Councilman Kearney – and that's why...

Mr. Naderi – and much deeper.

Councilman Kearney – and that's why you want to use the back part of 76 which is now a storage [inaudible] basically and as Mr. Gaccione had stated basically are taking the front building of 76 and back building of 76 and that basically for your use it equals one building that's why you're using it, that's why you're requiring you want to require the use of those buildings because they would equal the one building that you now occupy and work out of on 74?

Mr. Naderi – yes, yes it's even a little smaller if you add them up.

Councilman Kearney – okay. I thank you for that.

Mr. Gaccione – when you say even a little smaller, the property now is even a little smaller than the existing building here?

Mr. Naderi – when you add the two buildings on 76, the area is a little smaller, it's not bigger than I'm sure.

Mayor Massa – how long have you been in business at 74?

Mr. Naderi – since '99 I believe. When I joined the company at 2000 they were already there, I think they moved there '99.

Mayor Massa – any other questions? At this time ladies and gentlemen, we'll open this matter to the hearing of citizens. Anyone who wishes to be heard on this particular issue please come forward and state your name and address for the record and please direct your comments to the chair and please restrict your comments to this matter.

HEARING OF CITIZENS

Joe Cerrone – 40 Biltmore Street. Can I ask them some questions?

Borough Attorney Pearce – you have a statement or you want to ask questions?

Joe Cerrone – I'd like to ask them some questions.

Borough Attorney Pearce – let me just swear you in anyway. Cerrone, raise your right hand. Promise to tell the truth, the whole truth, and nothing but the truth so help you God.

Joe Cerrone – I do. Basically [inaudible] you guys are just doing I think you said railings, maybe a fire escape, only in components and they're going to be assembled onsite not at this location.

Mr. Naderi – exactly.

Joe Cerrone – it's not really a big deal, it's very small light industry as I see it, inert and a few moves you would use a argon, CO2 which you have no [inaudible] effect on the environment? [Inaudible] is it a green operation? [Inaudible] green operation on Porete Avenue [inaudible] 10 years.

Mr. Naderi – about 12 years.

Joe Cerrone – about 12 years. And have you ever experienced any kind of complaints, police ever report to your building for noise, or anything like that?

Mr. Naderi – nothing.

Joe Cerrone – so basically your employer has graduated from a tenant to a property owner in our community basically kind of helping our community with tax ratables that are clean because there's no [inaudible] involved, there's no special needs from our community to [inaudible]. It's going to operate basically the way it has been operating for the last 12 years just a couple hundred foot or a couple feet to the left let's say?

Mr. Naderi – exactly.

Joe Cerrone – Mayor and Council as far as I see it, this is light industry; there's nothing heavy about this industry at all. I'm an experience welder. I deal with some of these things and I see it kinda people that we're trying to draw to this community, they're assets to this community is already tested the grounds here and he likes it here, he bought a piece of property and he wants to move the business onto a piece of property he owns. I think this is a plus situation for our community and development in the right direction and I would hope that you people I'm not sure about this double building portion but if there are no bathrooms in the shed and they're using it for storage and some small welding projects which is what it seems like, they're not really manufacturing here but what it seems to me like is they're just building some small components that have to do with larger jobs that are not even done on this premises that are not even assembled on these premises; one of the questions I would just like to ask this gentleman..You welding any galvanize?

Mr. Naderi – no galvanize.

Joe Cerrone – it's all straight cobalt steel, stuff like that?

Mr. Naderi – if we don't galvanize, we can't weld.

Joe Cerrone – well you can weld it but that's why I asked you because when you weld galvanizing you do create a poisonous situation.

Mr. Naderi – you can galvanize pieces with grind and galvanization and then we would weld it.

Joe Cerrone – and then you weld it. So you're doing it in the proper manner anyhow so it's not nothing big deal. Like you said this is the kind of business that I envisioned coming into this

community and bringing as they succeed here bringing other equal style businesses in this community. This one has very light trucking. The trucks that they're talking about aren't even dump trucks. They're mason [inaudible]. They're smaller than the ones that our own community uses here. As far as traffic in and out, it sounds like a perfect scenario on Porete Avenue. I would urge you people to move ahead with something like this. This is a really good start in the right direction for this community. Thank you very much.

Mayor Massa – thank you Mr. Cerrone.

Rich Glennon – 174 Baltimore Avenue.

Borough Attorney Pearce – swear to tell the truth, the whole truth, and nothing but the truth so help you god.

Rich Glennon – I do. I'd like to clarify something. Someone mentioned before about venting from this new building because of the smoke that's produced from the welding process and correct me if I'm wrong but I think the witness said that there is a vent there now for the welding to blow the smoke out.

Mr. Naderi – [inaudible] put a [inaudible] fan.

Rich Glennon – but I mean is there anything there now in the roof to blow the smoke out in the new building?

Mr. Naderi – yeah, there are two small, they're not motorized.

Rich Glennon – but they're there to draw the smoke out from the welding machines?

Mr. Naderi – yes they are.

Rich Glennon – well you put something in there to draw smoke out of a welding machine but the building wasn't designed for it. It was supposed to be a storage facility. It kind of sounds to me like somebody already knew that we were sticking welding machines in this building. Aside from that, I had a question and this is in redevelopment area and the permit was issued by the construction department to put this building up because the construction department had the authority to approve the building in a redevelopment zone without coming before the Mayor and Council.

Mayor Massa – Council you're going to answer that question.

Borough Attorney Pearce – the building was 64 storage shed.

Rich Glennon – okay.

Borough Attorney Pearce – so the answer's yes that July of 2009 the construction official had the power to issue a permit for a storage shed; the application specifically asked for the construction of the storage shed.

Rich Glennon – is there a specific definition of a storage shed as to size and scope?

Borough Attorney Pearce – the answer is yes, I don't have it in front of me but again that is why although Mr. Gaccione is going to argue to the contrary as he has every right to do to [inaudible] himself and his witnesses. The storage shed is one thing, this is now a structure, principle structure on the property which is why we're here.

Rich Glennon – can I ask what is the square footage of 74 Porete Avenue?

Mr. Naderi – of the whole...?

Rich Glennon – your building. The building that you're in now and where you do the manufacturing.

Mr. Gaccione – if you know, if you don't know...

Mr. Naderi – the building, I am not sure.

Rich Glennon – it doesn't show on this?

Mr. Naderi – no.

[inaudible].

Rich Glennon – what's the square footage of 76?

Unidentified Speaker – the front building is 1500 square feet.

Rich Glennon – and the rear building?

Unidentified Speaker – and the rear building is slightly under 2500 square feet.

Rich Glennon – so we're now at 4,000 square feet. And we have no idea what 74 is?

Mr. Naderi – it's either the same or less.

Rich Glennon – than 76.

Mr. Naderi – we wanted to move the equipment [inaudible].

Rich Glennon – and we've got 1500 at 76 and 1500 at 74. Now you're going to move your office staff into an existing 1500 square feet and you put 2500 square feet...

Mr. Gaccione – that is not factually correct. What the witness testified to is that the building their in now is slightly larger than the combination of the two buildings.

Rich Glennon – 74 is larger than the combination of that building?

Mr. Gaccione – that's what he testified to, that is correct.

Councilman Johnson – because of the depth.

Mr. Gaccione – if you take a photograph, take a look at it, [inaudible] to some extent, the size of the building. [Inaudible].

Rich Glennon – that's all I have thank you.

Mayor Massa – anyone else wish to be heard or have any questions? Motion to close hearing of citizens.

Mr. Gaccione – I would like to sum up if I could. I'm sorry.

Mayor Massa – I just want to close the hearing of citizens.

MOTION TO CLOSE HEARING OF CITIZENS

INTRODUCED BY: Councilman Bianchi

SECONDED BY: Councilman Johnson

ROLL CALL: All council present vote in the affirmative

Mayor Massa – Counselor?

Mr. Gaccione – Mr. Mayor, members of the council, this is a situation where we have a permitted use. We have existing structures. We're consistent with the area, we're compatible with the existing area. We're consistent with the redevelopment plan. As one of the interested citizens said, it's a perfect use for this location. It maintains the character of the area and you

have a situation when you have a person that's a tenant for a number of years who wants to now buy property and remain in this redevelopment area with the kind of business that you have. You have small trucks, you don't have a lot of traffic movement, you don't have a lot of employees coming back and forth. This is a perfect business for this area. Their stimulating economic investment which is part of the redevelopment plan. They're promoting non residential use and increasing the property tax base; again part of redevelopment plan. They're not expanding the structures at all. The key argument appears to be two principle structures. In my opinion clearly they're not two principle structures. There's business after business that has more than one structure. There's no bathrooms in the rear building, there's no executive organization in the rear building, there are employees who do some manufacturing work. The Councilman Bianchi wanted a deed restriction. My client has no problem. He will not rent to somebody else, they'll have a one business operation here. He's doing the exact same thing next door. How could it be that he can't do the same thing on property he owns, become an owner in the town, caring about improving things and he can't do what he does already. This man's been sitting for an extended period of time with this piece of property hoping to be able to operate it. The power that's going to the rear building is the same as the power that's in the front building. My client testified that the noise from the trucks on the street exceeds any noise coming from their operation on the site. Any of the issues raised in the Neglia letter certainly can be made conditions of an approval subject to Neglia being satisfied with some of the issues other than the changes that they're looking to make such as parking; obviously the parking is an important part of this you got three spaces directly in the front, I don't think anybody would want to take away the spaces. Again small trucks, infrequent movements, certainly not two principle structures, certainly fits with the redevelopment plan, certainly good for the community, certainly a positive in your efforts to redevelop the area and I thank you for the time and the attention that the Mayor and Council have given to this application.

Mayor Massa – prior to your departure Counselor would you, any other members of the council have any further questions? Councilman Bianchi.

Councilman Bianchi – this questions for Randy. Randy, is there two principle structures on that property yes or no because there's no bathroom in the second building?

Borough Attorney Pearce – the bathroom, again in my opinion Mr. Gaccione disagrees but the lack of a bathroom does not solve the problem. We have both as he said our construction official and our engineer, if you read the engineer's report, I think it's the first paragraph of this report, he concurs with Mr. Kairys that the property will have two primary uses actually page 2, although both buildings of both building uses are permitted in the light industrial zone and the Porete Avenue redevelopment plan to principle structures will be created on site. So Mr. Gaccione through his testimonies has attempted into his argument has attempted to prove that that is not the case. It is my opinion that these are two principle structures and just to go back to this issue what's in evidence as A1, A2, A3 are there the original building permits and it's like building a garage on your property. The garage is the back of your property, it's used for storage of your vehicle and various other things. It is not a principle structure. Here when you take a building that does not have the utilities and what not that's currently being proposed and you want to put in there welding machines and a manufacturing process, it's clearly a principle structure in my opinion. The board had the power under your various abilities to decide that under the circumstances of this case through the testimony that a variance is appropriate. I've always said this term, I don't vote. I simply charge the board which I will do after your questions are completed but I'll give you the [inaudible] and then the board will have to decide what to do.

Mr. Gaccione – okay can I respond to that for just one minute? Obviously counsel I disagree, respectfully disagree. Obviously you have a choice to say it's not two principle structures or you have the choice to grant us a variance for two principle structures, two principle buildings, two principle structures. But I'm just going to read from your definition. Principle building, a building in which is conducted the main use of the lot, the main use at this lot is to run this business that operated in New York City. The office in front runs the business. Accessory use is just doing minor work that they bring to the site. They're not bringing major things from here. They're talking about railings or ladders, you're not talking about a major part of the business. The major part of the business is running that business from this location. Mr. Naderi and the principle of the business, they run it from here. That's the key. So I respectfully disagree that there are two principle structures. Again, Mr. Pearce is echoing what the engineer says and what the construction official says. The construction official's job is to stick to the exact letter and in

this situation I think he's incorrect based on the definition I just read to you but even if he is of course you can grant a variance because this is an appropriate business that fits with the location. And again I'll read accessory building. A building or structure the use of which is customarily incidental to the principle building located on the same lot. And our position is that its incidental because it's a small part of our business. Our main business is in New York City. This is not our major business. This is a minor part, its accessory because we run the business [inaudible] and that is an accessory to run your business. I thank you for letting me come.

Mayor Massa – just one last question. What's going on in that building tonight as we speak?

Mr. Gaccione – in door storage building? Is there anything in there? I'm not going to answer that question. I'll have my client answer that.

Mr. Naderi – it's being used as storage right now.

Mayor Massa – so it's being used in compliance right now. So it's being used as a storage shed?

Mr. Naderi – yes.

Mayor Massa – as the original permit was granted.

Mr. Gaccione – but there not operating their business out of that location; they're still at the adjacent property running their business. So the only way it would become accessory would be if [inaudible] operating their business out of the front building.

Mayor Massa – thank you Counselor. Any other questions?

Councilman Bianchi – yes I have another thing for Randy. Randy, okay you know we're in the redevelopment and that whole area out there. Where does this leave us? We grant him permission to do this. What happens to the rest of Porete Avenue and to rest of [inaudible] properties and all of the Meadowlands properties that's going to be ready to be sold in the next few months?

Borough Attorney Pearce – every property is unique. Every application is unique so there is no destruction of our redevelopment plan if a variance is granted by the Mayor and Council. Clearly it's a factor that you need to consider that this is the first application to come before the redevelopment authority under the new redevelopment plan. And it was certainly if I was representing another applicant's on Porete Avenue, I would certainly use this variance if granted as a basis for saying that I'm entitled to one as other property owners would do but that's a factor not just positive.

Mr. Gaccione – when Mr. Pearce started out I agree with him a 100%. Every variance has to stand on its own, the fact he gave a variance next door does not affect this application. The fact that the assessment of piece of property next door is of such and such a number doesn't affect this piece of property. Every piece of property stands on its own. And again...

Borough Attorney Pearce – I agree as I said but would be a factor that any lawyer coming before this board would argue that the standard that has been set by the board is [inaudible]...

Mr. Gaccione – I don't agree Randy...

Borough Attorney Pearce – well that's what they would argue whether or not the board...

Mr. Gaccione – that's not the law.

Borough Attorney Pearce – every application is unique, bottom line.

Councilman Kearney – I have a question for Mr. Pearce. I didn't hear any testimony and I don't know if the hearing's now considered closed procedurally speaking here about the other buildings on in the redevelopment plan, whether they exist as this particular application's buildings exist where there are two buildings possibly two principle structures. And I don't know if we as a redevelopment board wanted to consider giving the opportunity to this application to

provide some type of testimony and information as to whether or not this is an anomaly set up where you have two buildings, one which presently there's one principle structure and one accessory structure. The accessory structure of which is being applied to maybe be made a second principle structure on the same property. I'm not hearing any testimony like that, I don't know myself if it would alter our decisions here if that testimony was provided with regard to the other properties located in the redevelopment plan. So I just raised that as an issue whether or not there could be some opening backup of this hearing if Mr. Gaccione made that motion or is it now too late and that's my question to you Mr. Pearce. Thank you.

Borough Attorney Pearce – absolutely not, it isn't. Either the board was not prepared this evening and wish to gather additional information and Mr. Gaccione agreed then that could be done; we're not preventive from doing anything. Mr. Gaccione want to provide more information and want to have this carried until the next meeting. I mean we're freed to do that at this particular point. I don't know that we need to do that; that's up to the board to decide, it's up to Mr. Gaccione to decide whether there's anything that has come up and he feels should be addressed could be addressed at the next meeting or whether the board feels they're not prepared because they need more time. We'd have to talk to Mr. Gaccione about that. Certain legal issues that he might raise, he's already waited many months and he may not be prepared to wait for the board to gather more information. Right now we're at the point where we can either deliberate and vote, I'd ask Mr. Gaccione for some additional information and therefore carry it. Mr. Gaccione can volunteer the desire to give us more information. I don't think that's his desire. He's indicated he believes he's done; he's given us everything we need to be able to grant this application and in his opinion so...

Mr. Gaccione – I would like to respond if I could. First I'd be arguing a little bit against myself if I said that there are seven buildings like this that there are two separate structures because I argued that each application has to stand on its own. Second, obviously I am most concerned about my client who's invested in this property and is looking to operate here. So if there's something conditional that the board feels will help them make a decision, I probably subject to my client's approval would grant an extension of whenever time constraints we're confronted with. But I really and truly think I've proven my case in that we got one issue here whether or not it's an accessory building and clearly to my mind based on the definitions I read to you and the proofs that we've put in, it's an accessory use. But again, I'm not going to stand on my argument if there are the Mayor or Council people are looking for additional information of some nature to help them make their decision obviously subject to my client's approval which I would assume he'll approve if we're only talking about a short time period.

Councilman Tanelli – point of order your honor.

Mayor Massa – Councilman.

Councilman Tanelli – as we sat here the last few years trying to come up with a redevelopment plan for that area because we all know that North Arlington's in dire need for a recurring revenue. We certainly didn't set off on a plan to redevelop down there and to discourage property owners and tenants down on Porete Avenue from improving their property or expanding or increasing our probability and making them much better tenants and property owners. I feel like tonight with a lot of the questioning and what went on is almost like we're discouraging, we're going in the opposite direction and we're trying to discourage the current property owners from improving their property in the event that it might affect the Best Steel property that we're looking at developers come in and work on. I certainly understand when we vote, I'll vote accordingly but I certainly understand the applicant's argument about the [inaudible] being done on the other property. They're moving it next door and he's willing to adhere any stipulation that we made as a [inaudible] deed restriction. I for one want to encourage the people on Porete Avenue and we've said it a million times to better their property to clean up their area, to make it a more appealing place that we can attract more businesses down there, not send people packing. So that's what I feel. It sounds to me like we're discouraging people from doing things down there and I don't want to head in that direction. Thank you.

Councilman Hughes – Mr. Mayor, I have a question for Councilor Pearce. Say that we agree to vote on this and approve it with deed restrictions, how binding are those deed restrictions on future use because I think the concern is I think he established pretty well that it's going to be used as an ancillary use to the current operation. What we also have to be concerned with is the

future. Someday your client may decide to move out to a bigger structure, his business is expanding, he's looking for a bigger operation; we have to be concerned with what's going to come in after he leaves.

Mr. Gaccione – a deed restriction is noticed to any buyer. He knows he can't do it.

Councilman Hughes – okay, so it is binding, it's not something that can be easily overturned and [inaudible] something that would open this property up somewhere down the road to...

Mr. Gaccione – it's a condition you've imposed. You got a right to impose that condition. My client's agreed to it. We would record a deed, it's binding.

Borough Attorney Pearce – I would and that in fact I agree 100% with Mr. Gaccione. He and I would work to craft a deed. I will ensure that it's filed. And any subsequent owner of this property when they do their search would know that there is a specific deed restriction so there wouldn't be any question and it cannot be changed.

Councilman Bianchi – if there's a deed restriction would read like that if they were going to sell the property, they just couldn't sell the front office or the back, they would have to sell the whole parcel as one. Because he's saying it's not two individual pieces of property, it's one.

Borough Attorney Pearce – correct and it can only be used by one user not by two users.

Councilman Bianchi – like he can't rent the front out? If he finds out that he wants to rent it out to XYZ Company, he can't do that?

Borough Attorney Pearce – both buildings would have to in the deed restriction both buildings would have to be used by the same operation, the same entity.

Councilman Bianchi – would you agree to that?

Mr. Gaccione – yes, I did already and my client clearly said yes.

Mr. Naderi – we cannot operate like that. I mean if you give us the, take the back building or the front building from us and we cannot operate. We have to have both.

Councilman Hughes – and we understand that. I think what we're trying to establish is in the future. Like I said if you move out of there some other tenant comes in, some other owner comes in they want to subdivide, they want to sublet, they want to change or modify completely the operation, we got to we want to make sure that in the future, it will remain as you state as is now. Or state that if we approve it, it will remain that way.

Mr. Naderi – yeah I do 100% [inaudible].

Mr. Gaccione – and the deed will make so that a future buyer can't.

Councilman Hughes – thank you.

Mayor Massa – counselor would you please explain the process to the public for the record.

Borough Attorney Pearce – yes. The application is to permit two primary buildings on the same property also with some additional bulk requirements most of which are existing based upon the size of the property the setback in the rear and the maximum lot coverage but there's an existing, these are existing problems. The variances that are required the side set back requirements and the rear set back, these were created by the addition of the new building. As accessory you structure a little different field to it now with two primary structures looking at the property as a whole and using that building for manufacturing, you have to take that into consideration. The applicant has presented testimony from three witnesses, two of which are of qualified experts, one of which is actually on the property for many years and there is, to have no significant testimony with regard to the negative criteria at the site and these are the this is what the board has to consider with regard to the positive and negative criteria based on all the factors that you've heard with regard the prior use of the property, the proposed future use of the property

and the deed restrictions that Mr. Gaccione and I would draft if the board inclined to grant this application. With that resolve the problem and permit this board to see its way clear to allow this particular operation as a unique situation. As I said every property is dealt with on its own, has its own unique characteristics and you have it within your power to ignore some of the issues if you feel it's appropriate I wanted to make sure that you were aware that there are drainage requirements and landscaping requirements in our new redevelopment plan, they are not going to comply with those. The explanation given by Mr. Gaccione and his clients is that these are existing 100% impervious coverage properties and we'd have to take away parking spaces. If that's an explanation that's significant to you and substantial enough to overcome the goal of the redevelopment plan which was to start the process of mandating landscape buffers, trees, #2 on the landscaping plan was the minimum of 5% of all parking areas should be landscaped. There's no landscaping on this plan. That may be significant it may not be but these are the things that Mr. Neglia has told us we need to do pursuant to our redevelopment plan however the board has the power to condition this on the deed restrictions we talked about and to either grant it or to deny it and what we need now is a motion to be by someone on the dais to either approve or to deny this particular application.

Councilman Bianchi – I'll make the motion to accept with the deed restrictions. Also to in the front of the new building that they're going to be moving in to, I'd like to see some type of greenery put into the front of that building, like Neglia said #1 I'd like the resolution read to us in full when you finally do it and that's about it but I'd like to see some type of greenery in front of this building because it is in our redevelopment area Mr. Gaccione even though you say its existing. Well we don't want it to exist like that any longer. We want North Arlington to change, we don't want it to stay the same.

Mr. Gaccione – can we put some greenery but not...

Councilman Bianchi – you don't have to go all the way to the street with it. Okay. Maybe you can work something out.

Mr. Gaccione – we'll try to work with Neglia.

Councilman Bianchi – maybe come out maybe 5 feet from the front of your building, put some nice [inaudible] and some bushes or something like that because see like you said its existing, well we're trying to change the town.

Mr. Gaccione – I understand.

Councilman Bianchi – and I understand they're your clients and you want to win this case but we also want North Arlington to go forward not backwards.

Mr. Gaccione – believe me I don't take cases if I don't think they're good cases. But I understand what you're saying and putting some greenery in front as long as it doesn't, up against the building is fine, to put it on the street...

Councilman Bianchi – no doesn't work, I know you can't do [inaudible]. It may be something in the front, you know something nice...

Councilman Johnson – planting boxes or something.

Councilman Bianchi – planters or something like that. Make it look like you're trying to do something for Porete Avenue instead of just winning this case and going down there and having dump trucks all over the place.

Mr. Naderi – I agree that can be done.

Councilman Bianchi – okay it can be done, of course it can be done. You said before it couldn't be done. But of course it's going to be done and to neaten up the property a little bit. I'm looking at some of the pictures of this property. And what we're trying to do with North Arlington especially in that area we're trying to fix up and make look a little nicer and in the back of your property it looks pretty bad and I don't know if you can clean it up or not but maybe you can do something to clean this up to make it look a little nicer because a lot of you guys that work down

on Porete Avenue for all these years after a while you just follow trend, one guys a little sloppy a little messy and then it continues. We want to clean the property up. So maybe you can be the poster child and do it. Start cleaning your property up and say look I got two buildings, now we're fixing it up instead of making it look like it was in these pictures. You understand?

Mr. Naderi – sure.

Mayor Massa – motion by Councilman Bianchi. Second?

Councilman Kearney and Councilman Hughes – I'll second.

Mayor Massa – seconded by...

Councilman Hughes – go ahead but I would like to add some other conditions to the motion.

Mayor Massa – okay, second by Councilman Hughes.

Councilman Hughes – I would also agree with Councilman Bianchi on the fact that we should approve it with the deed restrictions for no subdivision and no subletting of the property but I'd also like to see submitted to Neglia's office for approval, a site drainage proposal or application or plan for that property and determination whether any permits are necessary to drain into that creek even though I know previous run off ran into the creek now that you're piping it sometimes with the Department of Environmental Protection they change the whole scenario. So I'd like to make sure that that's all properly approved. I'd also like to see some kind of ventilation plan for the buildings. If you say you're going to be dealing with welding operations, I want to make sure that the people working in that are working in a fairly safe environment so I'd like to see some kind of ventilation plan put into this, submit it to Mr. Neglia's office for their approval, I do agree with Councilman Bianchi, we're trying to clean up that area. If we, the most logical thing probably would be to do would be take that entire area buy it up, level it, and start from scratch because its built up over the years that a [inaudible] here something done there it's just been no kind of a plan for that area. But we have made a verbal commitment, a commitment of this council not to utilize eminent domain on these properties and that is something we're committed to. We understand that the people that own these businesses down there, that's their livelihood and we want to encourage them to grow and expand and be part of North Arlington. So, like Councilman Bianchi, it's going to be a little tough to comply with some of the requirements of the redevelopment plan but as much as they possibly can, we would like to see those [inaudible] so that as we go forward and expand further out into the [inaudible] property and various tracks down there, that the compliance with the redevelopment plan is just continuing to grow and increase and that whole area is made nicer.

Borough Attorney Pearce – Mr. Bianchi and Mr. Kearney, will you agree to modify your motion to include Mr. Hughes [inaudible]?

Mayor Massa – this is actually Mr. Hughes' motion.

Borough Attorney Pearce – no no it's not his motion. The motion that's on the floor is the one that was proposed by Mr. Bianchi, and seconded by Mr. Kearney.

Mayor Massa – I thought he deferred to Mr. Hughes on the second am I correct?

Borough Attorney Pearce – but that's not the motion. So I have to make sure the person making the motion is agreeing to permit that amendments so your motion includes Mr. Hughes' comments.

Councilman Bianchi – yes. And I'd like to add something to the motion.

Mayor Massa – motion by Councilman Bianchi. With a second by Councilman Hughes...

Borough Attorney Pearce – Mr. Bianchi wants to modify his motion.

Councilman Bianchi – can you come up here please? I'm going o add this into the motion. And I'm going to come down and visit you. Can you clean this up?

Mr. Naderi – of course, after we move in, we will.

Councilman Bianchi – make it look like real neat because as I said you’re going to be the poster child for Porete Avenue you know what I mean because we got to fix it up and if you can straighten this up and get rid of this and make it look nice maybe park your trucks back here in an orderly fashion, clean it up, I’ll give you my blessing. Okay.

Mr. Naderi – [inaudible] we are if not the first the second cleanest.

Borough Attorney Pearce – Mr. Bianchi, we need to keep the record clean here so I understand Mr. Gaccione that your client is voluntarily agree to clean up the property in what particular area Mr. Bianchi? The outdoor storage area?

Councilman Bianchi – that’s why I brought him up, the outdoor storage area.

Borough Attorney Pearce – so as part of this the applicant has voluntarily agreed to clean out the outdoor storage area in front of the rear building.

Mr. Gaccione – I would say neaten the outdoor storage area if we can because he’s going to store but neaten the outdoor storage area.

Mr. Naderi – yeah I’ll make it neat.

Councilman Hughes – is a lot of that stuff going to be moved inside the building?

Councilman Bianchi – they’re going to be manufacturing in that building ...

Councilman Hughes – well can you move [inaudible] in there too.

Mr. Gaccione – Naderi can you move everything inside?

Councilman Bianchi – no. He wants to put up another building.

[laughter]

Borough Attorney Pearce – okay, keep it on the record Mr. Bianchi?

Councilman Bianchi – yes sir.

Borough Attorney Pearce – okay, so the current motion is to approve the application subject to a deed restriction that there will be no ability to subdivide the property or sublet the property so the property can only be used by one occupant one user one entity and it cannot be used to for different uses in the two buildings, that greenery will be installed. Landscaping revisions will be provided to ...

Mr. Gaccione – greenery adjacent to ...

Councilman Bianchi – adjacent to the building.

Borough Attorney Pearce – adjacent to the building to be submitted to Neglia for his approval. Drainage plans to be submitted to Neglia and all proper permits for the discharge into the stream and for the drainage in general will have been provided and approved by Neglia. A ventilation plan to be submitted and approved by Neglia for the rear building and the applicant to voluntarily agree to clean up and maintain order of the outdoor storage area in between the two buildings. That is the motion. It’s been seconded.

Mayor Massa – okay, would all of those caveats and specifications and requirements. Now we will have the discussion prior to the vote. So we have a motion, a second, discussion. Call the roll.

ROLL CALL: all council present vote in the affirmative

Mayor Massa – thank you Gentlemen.

Mr. Gaccione – thank you for your time and attention.

Councilman Hughes – Mr. Mayor I would like to propose a five minute recess before we continue.

Mayor Massa – I was just going to do that Council president. At this time there'll be a five minute recess before we return to the regular order of business.

[Five minute recess]

Administrator Wall – we're now back on the record.

Mayor Massa – ladies and gentlemen please have your seats. Before I return to the regular order of business, I just want to comment quickly that back in December we recognized the 90th birthday of one of our very dedicated and finally highly recognized and respected residents Mrs. Mary Wharrie. However, we didn't have a chance to put the certificate together because we didn't seem to have any blank certificates at the time. In any event, I'd just like to read a quick proclamation and present this to Mrs. Wharrie because a 90th birthday is truly a milestone in any one's lifetime and for people in this community especially our senior citizens have sacrificed so much to make this a great town and have given so much to the community. We'd like to recognize them when we have that opportunity. The proclamation says honoring Mary Wharrie on her 90th birthday whereas much to delight of family and friends 90 years ago Mary was born in Paisely Scotland on December 14th 1920. And whereas during a long and productive lifetime she has earned the respect and affection of people from all walks of life and ages and is known for her dignity, kindness, generosity, and above all her willingness to help others. And whereas Mary's family consists of son's Raymond and his wife Alice who resides in Poconos, son Billy and his wife Robin along with their sons Billy and Steven reside here in North Arlington. And whereas when growing up Mary had two sisters [inaudible] and Margaret and three brothers Peter, John, and James which in turn gave Mary many nieces and nephews. And whereas upon her arrival in the United States Mary first settled in Harrison New Jersey but was smart enough to move to North Arlington and eventually moved to North Arlington where she's been a member of our community for the past 47 years. Now therefore be it resolved by the Mayor and Council of the Borough of North Arlington, deem it an honor and a pleasure to extend to Mary this expression of our sincere congratulations on this happy occasion. So approved by the Mayor and Council, Borough of North Arlington on February 24th.

[Applause].

Mayor Massa – okay, ladies and gentlemen at this time I will open the meeting to the hearing of citizens. Anyone who wishes to be heard, please come forward state your name and address for the record. Please address the chair and restrict your comments to municipal business. Please try to confine your comments to five minutes to give everybody an opportunity to be heard.

PUBLIC COMMENTS

Matthew Linda – I'm with WSI Management. We're a solid waste technology company. I was present four months ago in front of this board and had a five minute session and I'd like to explain a little more so that the council understands where WSI is coming from. Before I start, the word incineration means to burn. Incinerator is to burn trash. An incinerator or mass burning facilities typically burn at 2,000 to 2,400 degrees. WSI with their patented elutriator produces steam at a maximum of 260 degrees Fahrenheit. You can't even bake a cake with the 260 degrees that was reported that this incinerator will bring to North Arlington. North Arlington has an opportunity to receive... does everyone have the package [inaudible] can't see the board? If I may, WSI I will invest into your redevelopment zone approximately 260 million dollars to construct and operate the facility. There'll be disposal reduction fees all through Bergen County. North Arlington would receive 1 million dollars a year from WSI if we get one ton of garbage or 850,000 tons of garbage. And that breaks down to 2,739 dollars per day or 19,230 dollars per week, or 83,330 dollars per month. That's a nice ratable to fix the budget gap that North Arlington is facing. But more importantly the BCUA building that's been vacant for approximately 10 years, we're looking to purchase through the New Jersey Meadowlands

Commission we're on their bidders list within the next couple weeks it's going out to public bid and hopefully we could land that project. North Arlington will benefit 150 to 180 job opportunities during construction. Once the facility is operational, there'll be 100 to 120 brand new jobs for the residents of North Arlington and Bergen County. We're going to save the environment from green house gasses and other harmful vapors. And we're going to recognize in Bergen County an alternate solid waste plan rather than depending on landfills or incineration. We're bringing everything to the table that North Arlington could use. The most important thing is probably that building in your redevelopment zone. It's on a contaminated site. I believe that there's not too many businesses that will be able to retro fit that building and operate. We could through the permit requirements from the New Jersey Department of Environmental Protection. We've been down in Trenton, we're looking for a demonstration permit but the most important thing I want the people in North Arlington the governing body and the residents this is not incineration, if you want to see an incinerator go right down to [inaudible] in Newark and you could see miles away what comes out of that stack. And basically that's all I have. It's everything that North Arlington could use; I'm bringing everything to the table. We don't want to dine from North Arlington Bergen County or the State of New Jersey. We are fully funded and we're ready to go forward. And I thank you for your time and if there's any questions I'd be happy to answer them.

Councilman Bianchi – oh, I have a lot of questions for you. a lot. Number 1, where is your business, where is DSI, where's your corporation, where is their headquarters?

Matt Linda - it's in Plant City Florida.

Councilman Bianchi – Plant City Florida. And is it a building, a home, what is it?

Matt Linda – it's an office building. If you have an opportunity, excuse me Councilman, if you click on wsimgt.com which is in your brochure, you'll be able to see the whole project and the corporate headquarters.

Councilman Bianchi – now do you have other sites?

Matt Linda – we're dealing presently in Passaic County, Hudson County, and Essex County.

Councilman Bianchi – you are?

Matt Linda – yes we are.

Councilman Bianchi – where?

Matt Linda – in the city of Paterson, Pompton Lakes, Rockland County New York, Copper [inaudible] site in Jersey City or I should say Kearney.

Councilman Bianchi – so if the Mayor and Council wanted to go on a field trip with you and you could take us around and show us all these?

Matt Linda – absolutely.

Councilman Bianchi – here's the question I have for you, have you been before the New Jersey DEP?

Matt Linda – yes I have.

Councilman Bianchi – you're licensed by the DEP?

Matt Linda – no we're not licensed because A) we have to be on the Bergen County Solid Waste Plans before we could submit it to Commissioner Martin so the answer to your question is no.

Councilman Bianchi – have you got your 8901 clearance from the state police? Have you been investigated by the state police?

Matt Linda – I'm not the company, the corporate owner of the company. So as an employee I do not know.

Councilman Bianchi – well its strange I have to back up a little bit and I have to tell you something. Again we've heard this before years ago. Encap came before us and promised us millions and it cost us millions. They were going to build us schools, they were going to build us roads, they were going to build us homes, they were going to get rid of the garbage and they promised us billions, they came with a ton of lawyers and accountants. You're here by yourself. I don't see your affiliates. Where's your affiliates? Where's your attorney's? You're promising the town millions of dollars...

Matt Linda – Councilman I have a five minute window. Did you want me to come with ...

Councilman Bianchi – yes, yes! We're talking millions here, we're not talking about a five minute window.

Matt Linda – well if you would allow it in executive session, I will bring everyone that fits your requirements.

Councilman Bianchi – also too do you know that the county of Bergen has put a covenant on that you can't dump garbage down there any longer?

Matt Linda – I heard that yes.

Councilman Bianchi – and coming before us is not the right thing. You have to go before the county. If the county gives you their blessing to sell you that to dump your garbage or burn it or whatever you want to do with it that's who you got to go to first.

Matt Linda - but the county is not the New Jersey Meadowlands Commission who owns the property.

Councilman Bianchi – yes the Meadowlands Commission owns the property.

Matt Linda – so what would the county do for me? They'll send me back to the Meadowlands. The Meadowlands will send me back to here. And then I'll be...

Councilman Bianchi – this should be your last stop, not your first. Selling something by telling us you're going to give us millions of dollars, you got to get approval by the commissioner first. What about your company here is going to be working...

Matt Linda – but Councilman, what permission do I need from the New Jersey Meadowlands?

Councilman Bianchi – the commission?

Matt Linda – the New Jersey Meadowlands Commission.

Councilman Bianchi – they put a covenant on that. They own that property.

Matt Linda – but they're selling the property.

Councilman Bianchi – they're selling their property and they will not sell it to anybody that's going to dump municipal waste there. I got right here in writing.

Matt Linda – well I heard that story but what does that do to the residents of North Arlington? They have a covenant so that means that building will remain vacant...

Councilman Bianchi – no no that buildings going to be redone, it's got to be fixed. Let me ask you a question, you know how many people live down there? You have people on Canterbury, Noel Drive, Schuyler Avenue, East Canterbury Avenue, and you're going to put a garbage facility there that needs garbage 24 hours a day 7 days a week?

Matt Linda – no that's not true. We work five days week, 24 hours a day, for ten hours every work day is when the operation's are with the trucks.

Councilman Bianchi – and I'm going to tell you another thing too, years ago when that baler was built it was open 24/7 and North Arlington put a [inaudible] that they can't work past 9 or 10 o'clock because the sound of the tractors backing up, trucks going in and out of there garbage trucks going in and out of there was keeping the people crazy down there.

Matt Linda – but Councilman think of that site. You have miles of a capital landfill, you have your dpw building, you have the beginning of the south the northeast [inaudible] from public service gas and electric company. I mean this isn't Park Avenue. It...

Councilman Bianchi – it's not Park Avenue now. But how do you know when it's going to be redeveloped?

Matt Linda – and I don't know that and I don't think you do either. Only because you would have to remediate, you would have to do infrastructure down there but nobody would buy that property. It's a building emptied for 10 years. If the borough doesn't want doesn't want everything that we're offering for that building that's been just decaying for ten years mismanagement of that building then there's really nothing I can do. All these rewards come to North Arlington. There's a budget gap that's opened here. This will certainly help. The job position will make everyone on this board look very good. I'm not saying without this you're not going to look good but look what I'm offering or WSI is offering. So the word covenant means you're not interested. And I would have to disagree that if the Meadowlands Commission and I honestly don't think they're going to find a buyer for that 220,000 square foot building. It's on a contaminated site. The building was made to process garbage, it's been there fifty years. Ten years it's been vacant. I cant see it being anything else but what it was designed for and when you read or look at the website, this processing will make that look like Yankee stadium down there. And with no stacks and the low temperature that the steam is created with, we have a clean product. It's not an incinerator. If it was an incinerator I certainly wouldn't be sitting here wasting everyone's time.

Councilman Bianchi – well then maybe what you should do is come with the lawyers, your accountants and everything, and maybe we can have a private meeting and you can discuss it to us because to me it sounds fishy to be honest with you that a guy comes up here and is going to offer North Arlington a million dollars a year and 180 jobs and everything's going to be rosy. We've been through that before with Encap.

Matt Linda – but Encap cost you money.

Councilman Bianchi – yes and this might cost us money because we don't have enough proof. We got you reading a piece of paper there and...

Matt Linda – Councilman I'm going to buy the BCUA building without the covenant.

Councilman Bianchi – you're going to buy it?

Matt Linda – we're on a bidder's list. We're ready to go forward.

Councilman Hughes – how are you going to have the covenant removed? If the covenant as you heard earlier in the testimony of the redevelopment hearing, that covenant is a deed restriction. That deed restriction was put on there by the Bergen County Utility Authority when they sold that property. By selling that property with that covenant on there, they are the very people that would have to include you in their garbage plans by the county. So what interests or what reason would they have in doing that, putting that removing that deed restriction from that property?

Matt Linda – if they wanted to sell the building to get the royalties and especially in North Arlington I mean just think about it...

Councilman Hughes – well there is other interest in that building. There have been numerous inquiries into that property because there was a tremendous interest and because of its location

and closeness to New York on the redevelopment properties there is has generated a lot of interest. I know the properties are going to be going up for bid as was going to be run by the attorney general surely and different companies are going to have the opportunity to bid upon that property but from what our understanding is any deed restriction that are in place now are going to remain there so I do not believe the meadowlands commission has the authority or the ability to remove that deed restriction, I could be wrong on that but ...

Matt Linda – if you have the last call on the land use rights and it's in your jurisdiction, why should the Meadowlands control your future on that building?

Councilman Hughes – we don't have the last call on deed restrictions sir.

Matt Linda – not deed restrictions I'm talking about land use.

Councilman Hughes – yeah, that's part of the deed restriction of the property. Maybe counselor you could explain it a little better the restriction on that deed but you know is that binding or not?

Borough Attorney Pearce – I mean I haven't done the research but generally speaking as we were discussing with the prior application a deed restriction runs with the land. I don't know I mean I don't know how you're going to get that removed. Do you have anything to tell the Mayor and Council tonight in terms of how you plan or what action you're taking in that regard?

Matt Linda – it's almost impossible to find out if the BCUA owns that building. The Meadowlands has it out for bid. It's in North Arlington's jurisdiction. I'm confused is probably the [inaudible].

Borough Attorney Pearce – that has nothing to do with whether or not there's a restriction on future use of the property. Whenever you have any type of contaminated site, then you have a deed restriction for example, he will say to you can never use that property for any type of residential use or food preparation or all sorts of things, it goes in the deed. And then no matter what you do, you can't use it for that purpose. So what can you tell the Mayor and Council tonight about your ability to have that deed restriction removed? Has anyone promised you that they're going to...

Matt Linda – absolutely not. But again I'm just trying to find out who is the actual owner where the deed restriction was put on. They're the only ones that could take it back off and if its for a price, I don't know. I'm coming here for the advice.

Councilman Hughes – my understanding is a deed restriction was placed on there by the Bergen County utility authority when they sold the building to the New Jersey Meadowlands Commission and that was one of the deed [inaudible] put on it. Now, the Meadowlands Commission is actually telling that property because it is currently owned by the state of New Jersey.

Matt Linda – so the BCUA who were the owners at one time where the deed restriction was incorporated sold it to the Meadowlands Commission; Encap took it from the Meadowlands Commission. The bankruptcy gave it back to the Meadowlands Commission and now it's up for sale.

Councilman Hughes – as far as I know yes.

Matt Linda – so that deed restriction on that property, does that fall within your redevelopment plan?

Borough Attorney Pearce – it has nothing to do with the redevelopment plan.

Councilman Hughes – our redevelopment plan does not allow the further extension of any kind of garbage agreement, processing facility, transfer stations or anything expanding beyond into any of our redevelopment zones. It's not an accepted or intended use at this time.

Matt Linda – in your redevelopment zone where there's Bethlehem Steel, is that property yours or the Meadowlands?

Councilman Hughes – it's ours. [inaudible] jurisdiction.

Matt Linda – but does the Meadowlands have jurisdiction on that property?

Councilman Hughes – no.

Matt Linda – you have the land use rights also? Well when we bring up our staff from Florida, we can talk about that property because if this building has it can't be used for trash then we can't even talk about that building, it just doesn't make sense but all the rest of these rewards and benefits to North Arlington will be present at this meeting and the next time we get together. I certainly didn't want to come all the way out here to waste your time or our time but if we have another meeting, we will have our representatives up here and in executive session. I just thought it'd be nice if the public heard what we're offering also.

Councilman Hughes – well I think the question has been brought up several times where is this currently operated? You're now telling us you're currently operating in Jersey City, you're currently operating in Passaic, is that correct?

Matt Linda – I never said that sir.

Councilman Hughes – then what did you say?

Matt Linda – that we have been involved with Hudson County, with Bergen County, with Passaic County, in your package there's a letter of intent ...

Councilman Hughes – didn't Mr. Bianchi didn't Councilman Bianchi just ask you where we can go to tour your facility to see this operation? And you said yes, we can go to those facilities.

Matt Linda – no I think you miss quoted or misunderstood, you can go to Florida to our corporate headquarters.

Councilman Bianchi – I thought you said Lodi...

Councilman Johnson – can I rephrase the question? Do you have an operation up and running anywhere in the United States?

Matt Linda – no we do not.

Mayor Massa – okay, that's the question.

Matt Linda – I'm sorry.

Mayor Massa – that was the question where could we see an actual operation.

Matt Linda – you cannot.

Mayor Massa – so this operation is not anywhere in the continental US. Is it anywhere else?

Matt Linda – there are systems that are very similar to this and its called the batch system. But we have the elutriation which turns garbage into cellulose, cellulose through a gasifyer into a steam turbine makes electricity. So we recycle 90% of what goes into the hopper. I mean we can go up and down Ridge Road or any other place in Bergen County and 50% of whats in a black bag are recyclables and those things unfortunately wind up in a landfill or at an incinerator. And where's the recycling part of that? There's so much use for the products being buried and what we're doing is we're killing mother earth plain and simple. And that was the reason why I made it clear that this is not an incinerator.

Councilman Bianchi – can I ask you this question? Why North Arlington? Why not take this plant and put it someplace out in the woods somewhere where it won't bother any of the people? Why? Because you need those tension wires down there so you can sell the electricity back to public service? Is that why you ...

Matt Linda – no that's one of the reasons, absolutely one of the reasons.

Councilman Bianchi – but the problem here is you have people that live across the street from this plant and my paperwork I have that you need 2,000 tons a day of garbage to operate your plant. That means trucks will be running through North Arlington 24/7 and I don't know who you know that's going to sell you 2,000 tons of their garbage a day unless you have a hook in Manhattan with the Governor of Manhattan or something. I don't know where you're going to get this garbage from.

Matt Linda – if I was permitted to 4,000 tons a day, we have access to the garbage.

Councilman Bianchi – where's this garbage coming from? No you have to tell me, you can't just say "I can get 4,000 tons of garbage a day" its got to come from some state. So in other words you're going to be trucking in ...

Matt Linda – New York City for Hudson County.

Councilman Bianchi – as you're going to need more than that. Are you going to be taking garbage from other states?

Matt Linda – if New York City was part of the deal, perhaps.

Councilman Bianchi – New York State, coming in from Nyack, coming in from Pennsylvania, so you're not only going to be taking garbage from our little towns around here, you're going to need garbage from out of state.

Matt Linda – no sir [inaudible] because it just doesn't fit. You're not going to drive all the way to South Bergen.

Councilman Bianchi – we truck our garbage and we train our garbage out of here, it goes to Ohio some of it from this landfill that we got over here now so you mean to tell me that with this paper that I have in my hand you need at least 2,000 tons per day you'll turn North Arlington into a truck depot.

Matt Linda – well how many trucks does that equate into?

Councilman Bianchi – 2,000 tons? I don't know but it's a lot of trucks.

Matt Linda – if it's on a ten hour cycle, every five minutes there's a truck. I mean there was some indications in your local newspaper that there was 800 trucks a day.

Councilman Bianchi – I'm going to tell you another thing you don't know, those trucks have to come through Kearny and they got to come through Lyndhurst and I already found out through the grapevine that if we ever allowed something like that you're trucks couldn't get through Lyndhurst that's how many trucks would be coming through this town, 2,000 tons.

Matt Linda – you're baler facility right now is permitted for 2,750.

Councilman Bianchi – we don't [inaudible].

Matt Linda – I know you don't but it's permitted for that. Now what makes the difference from the baler facility to a WSI facility?

Councilman Bianchi – let me ask you another question. We'd have to pay you for our own dumping?

Matt Linda – right. You're already...

Councilman Bianchi – not what you said last time...

Matt Linda – you're already contracted with the baler.

Councilman Bianchi – yes but if we gave you our garbage you charge us for our garbage because if your business opened up down there, you'd knock that business right off the map if you did open up so then we would have to bring our garbage down to you and you'd charge us at least \$700,000 a year for garbage dumping tipping.

Matt Linda – Councilman, you're a very smart man, you have a ten year contract with this company from Bridgewater New Jersey. You're garbage is there for ten years absolutely free.

Councilman Bianchi – not just North Arlington, they're the only ones who can get, you'll be getting more garbage because you'll be getting it cheaper. And you're going to make cellulose out of that garbage?

Matt Linda – yes sir which [inaudible].

Councilman Bianchi – well if you buy the house across the street from your garbage baler I might go for it. You're going to live there?

Matt Linda – if it's available I will.

Councilman Bianchi – and on top of 24/7 good point Mac, we have an ordinance in town you can't work 24/7.

Matt Linda – its ten hours a day on a normal cycle for every five minutes a truck to get to 2,000 tons a day. That doesn't mean when we open up the door we're going to have 2,000 tons that are disposals. Just like your baler is not getting the garbage that you thought was going to be there. So contracts expire and then we'll be able to join forces down there and what makes you think that I'm going to put them out of business when perhaps they could put me out of business. But where it becomes difficult and not really difficult for the average persons as far as a tip number we get paid on the front end and we get paid on the back end which makes the price cheaper and easier for Bergen County, Hudson County, or Passaic County.

Councilman Bianchi – well I got another question. You said you were going to give North Arlington a million dollars a year...

Matt Linda – yes sir.

Councilman Bianchi - ...you don't have any other businesses running in the state, in the United States, can I ask you a personal question, where's this million dollars coming from every year and the money it's going to cost you to buy that, maybe it'd cost you seven, eight, ten, fifteen million to buy that property?

Matt Linda – unlike Encap you will be provided with a payment bond for a million dollars every year for ten years and you can draw on it every single April 1st.

Councilman Bianchi – what's the name of the company that the money's coming from? What bank?

Matt Linda – WSI Management. It's a private fund in New York City. There are financing \$300,000,000.

Councilman Bianchi – I've never heard of it. \$300,000,000 that's another number. But anyway I don't know.

Matt Linda – we have 260. The number could be a billion, it's very simple, if there's a piece of property for sale in North Arlington and North Arlington wants all of these benefits to help their citizens, we're ready to talk.

Councilman Bianchi – we've heard that before.

Councilman Johnson – we need more specifics. What does WSI stand for?

Matt Linda – Wet Systems Illutriation. You’ve heard it before but if I mean if they said this to Henry Ford or the Wright Brothers we’d have our horses outside right now.

Councilman Bianchi – but why is North Arlington getting this...

Matt Linda – because I didn’t know that there was a problem with the baler facility or I should say the BCUA. If I knew there was a deed restriction on there I would be looking for property elsewhere. The Copper Cove with Hudson County, it’s on a peninsula. It’s a wonderful piece of property. There’s not a home within three miles.

Councilman Bianchi – the old Copper Cove perfect for you. I just don’t like to see something like that next to my residents that live on Noel Drive, Schuyler Avenue, Canterbury Avenue, I just can’t see it.

Matt Linda – there’s no residential units down by the baler?

Councilman Bianchi – just the DPW, we only got a couple of trucks.

Matt Linda – but isn’t the Bethlehem Steel property down there?

Mayor Massa – no way behind that. I think not to expand on and keep on moving here a lot of questions and issues, I think some of the issues that concern the council especially Councilman Bianchi and the rest of council is having that operation reopen and have a detrimental effect on the quality of life as he’s concerned about. And secondly with this condition that’s on the property from the BCUA is originally sold that runs with the land, that’s something I think that your attorney, your legal staff should have to work out before you even attempt to bid on this property. I think if that’s resolved and you’re able to bid on it, I think at that point then I think the doors should be opened for further discussions and further considerations. I think once that happens.

Councilman Bianchi – very good point and I think if you come back before us I’d like to see you have an 8901 form from the state police.

Matt Linda – absolutely.

Councilman Bianchi – and we’ll check you out and you need it anyway.

Matt Linda – but the company needs the 8901 not the individual of the company. I’m just the vice president of ...

Mayor Massa – well the offices are required.

Matt Linda – absolutely. I mean you had mentioned if I had one, the answer is no. When we meet again the answer will be no.

Councilman Hughes – I do have one question though what is your projected rate per ton?

Matt Linda – I believe in your folder, it’s starting out at \$64 a ton.

Councilman Hughes – alright so you’re requiring as part of the draft proposals here that you submitted today, that North Arlington will commit to MSWs a stream of no less than 10,000 ton per year.

Matt Linda – not necessarily North Arlington.

Councilman Hughes – well we have no control over Bergen County.

Matt Linda – that I understand.

Councilman Hughes – so we can’t dictate to Bergen County or anybody in Bergen County that they provide you this level of garbage. The only garbage we can speak for is what North Arlington provides and basically our garbage flow is about 10,000 ton a year which we are

currently getting dumped for free at the other facility. So you're asking us to commit to giving you 10,000 ton a day at \$640,000 per year to give back a million.

Matt Linda – it's a draft copy. That number is zero now.

Councilman Hughes – okay.

Mayor Massa – any other questions?

Administrator Wall – if I may just the tax abatement, what's the tax abatement you're looking for at this site?

Matt Linda – you would have to talk to the CFO. The next time we meet he will certainly...

Administrator Wall – so you're looking to not pay property taxes at the site for a period of five years or so?

Matt Linda – we would need some sort of tax help yes.

Administrator Wall – I just thought that was relevant to the governing body. Okay.

Councilman Bianchi – one last question. In the United States of America you do not have one plant up and operating?

Matt Linda – no.

Councilman Bianchi – this would be your first?

Matt Linda – this would be our first or in Hudson County will be our first or Passaic County or hopefully Essex County.

Councilman Bianchi – have you been before those boards yet? Have you been in Hudson County before the board?

Matt Linda – there's a bid on the Copper Cove site due April 1st with Mr. Guerra. We have the plans. We have the proposal. We have the engineering staff and we will make our submission prior to April 1st. It was due February 1st and it was extended to April 1st. In your folder there's a letter from Passaic County showing their interest in the technology and I found it interesting that one was a democrat and one was republican and then in bipartisan manner they wrote a very nice letter about the product and they're looking to do this in Hillburn New York with shared services. So we take care of Rockland County and we take care of Passaic County.

Mayor Massa – the reason you want the BCUA is because you feel from your evaluation of it that it's more quickly amendable to do what you want to do.

Matt Linda – well the building is up, it's a perfect size. Everything fits so that WSI could use that property retrofitted quickly and North Arlington gains. We're working with each other.

Councilman Bianchi – how long has WSI been in business?

Matt Linda – 20 years.

Councilman Bianchi – and you don't have not one plant in the United States in 20 years?

Matt Linda – we spent probably 30 million dollars in R & D, over a 20 year period.

Councilman Bianchi – R & D?

Borough Attorney Pearce – research and development.

Councilman Bianchi – oh okay.

Matt Linda – and one day that 20 years will turn into an overnight success. If it's not in Bergen County, it will find its way someplace. But here's an opportunity for both of us and if I knew the covenant was on that building...

Councilman Hughes – actually I believe Mr. Ceberio at the Meadowlands Commission explained that to you when you met with him several months ago.

Matt Linda – no actually Tom Monterona I believe suggested that but he was going to check on it. I never knew that that was a definite can't touch it, walk away from it.

Councilman Johnson – so it's really out of our hands at this point until the permit is changed on that building, we can't do anything.

Councilman Hughes – pardon our skepticism but we've had with Encap with Cherokee Corp, we've had a lot of promises given to us. A lot of grandiose plans, a lot of grandiose promises, a lot of the salvation of North Arlington and frankly we've been burned and we're very skeptical and we're very leery about anything that just sounds too good to be true and we really need more information.

Matt Linda – but Councilman just think about this if I came to North Arlington or Bergen County or I went to the State of New Jersey and came up with this crazy idea that I need 200 million dollars roughly to get my dream off the ground. We're using 260 million which is the real number but we're borrowing 300 million to get this off the ground. If we didn't think it would work we certainly don't need the practice and we would never make promises that we can't fulfill.

Councilman Hughes – understood. But we have nothing but your word here that ...

Matt Linda – there's no question about it.

Councilman Hughes – like I said we do need more information before it can be viably presented.

Councilman Bianchi – and one thing that puzzles me you're in business 20 years and we're talking 30 million, 40 million, 200 million and you don't have not one business in all of United States in 20 years.

Matt Linda – do you see the difficulty that I'm experiencing tonight. Okay.

Councilman Bianchi – yes, you must have went through this in a ton of towns.

Matt Linda – I've been doing this for over five years and I'll tell you the reason why it doesn't work, because everybody carries a gun but nobody knows how to pull the trigger.

Councilman Bianchi – I do.

Matt Linda – and the first person that will, will make their municipality and their county the talk of the state and then the rest of the United States because these things are going to be global. Once the first one gets up, and I wouldn't be selling that or singing this song if I didn't believe it.

Councilman Johnson – I believe you.

Matt Linda – thank you very much for your time.

Mayor Massa – anyone else wish to be heard? Please state your name and address for the record.

Thomas Guiderri – my address is 7 Hillside Place. Good evening Mayor, Councilmen. I recently purchased a home at 7 Hillside Place, I don't know if you're familiar of the street, it's a street that faces north off of Belmont Avenue. It's a small dead end street with parking on both sides of the street. It's a very narrow street. And with our recent winter and the amount of snow that we received, the town trucks and Jimmy Mac can attest to this, are unable to plow the streets. The residents had to shovel the streets. Fire trucks who are unable to pull down the streets god forbid if there was a fire or ambulances could not get down the streets. I would like to recommend that

on snow days or snow emergency days, that there be one side of the street parking first of all. Second of all, that it'd be resident parking only for the people that live on that dead end street because you get people off of Belmont Avenue parking there. It's just that the road is impassable and in my household I have a mother who has Parkinson's, she's 72 years old and god forbid something was to happen there's no way to get down that street. Also, to go further with that street, recently since I just moved into the home Passaic Valley Water Commission gave me a new service and they dug into the concrete street, its original concrete it's not paved the street it's never been paved. It's opening about three feet wide and six feet long. They put in the new service this is about three months ago and now it is settled because they did not compact the trench properly. I'm in the construction industry I know they did not do it properly around the service as well. I could put a garbage can at the dirt where the actually shut off key is and now it's three inches deep into the street. I've talked to the town to have someone try and fill it because it's a hazard. It's going to get undermined. Cars can go into it. That's about it. That's all that I have.

Mayor Massa – sir have you contacted us at borough hall prior to coming here tonight?

Thomas Guiderri – I've spoken to people. I've spoken to the building department, I've spoken to several people.

Councilman Hughes – Mr. Mayor, just to address this, we were made acutely aware of that with these recent storms which we haven't had for a few years. Just so you know the police chief is right now has submitted requests from all of the major departments in town, fire, police, EMS, DPW and we are trying to identify other streets like Hillside Place and it's the intention of this Council probably shortly we'll be passing a no parking on one side of the streets during snow emergency as soon as we can determine the best side of the street to do that so it is something that is being looked into by our Police Chief and we're just right now waiting for his recommendations as to what streets we're going to identify to create that kind of situation.

Thomas Guiderri – and now about the water services, is there anything we can do with Passaic Valley?

Councilman Hughes – if we can have Mr. Wall contact Passaic Valley to let them get out here and repair the street properly.

Administrator Wall – 7 Hillside?

Thomas Guiderri – 7 Hillside.

Councilman Hughes – we've had this situation with them before.

Thomas Guiderri – thank you very much.

Rich Glennon – 174 Baltimore Avenue. In reference to the presentation by WSI. I would like to just make the Council aware I do know that they have been approaching other municipalities with this particular proposal. One of them I know is Sullivan County New York up in Monticello which was back in 2006. Another was township of Wood Ridge in New Jersey in 2008, that's at least two that I know of however I do not know what the results of either one of those proposals were, whether they agreed to do it, look into it further, or reject it for some reason of another and I just thought we might be able to ask the gentlemen where they went. I believe he mentioned that he was not aware that Bergen County had placed a covenant on that property stating that the site could never be used for municipal waste. It's my understanding that the last time this gentleman was here, he alluded to the fact that he had been to a meeting with Mr. Ceberio the then chairman of the New Jersey Meadowlands Commission which turned out not to be correct. He had a meeting the following day and I believe Mr. Mayor, you received a letter from Mr. Ceberio regarding this particular meeting and that everything was given to you in that letter was presented to this gentleman from WSI and I believe in that letter it was mentioned that there's a covenant from Bergen County there...

Mayor Massa – that's correct.

Rich Glennon - ...and could never use that again. Thank you.

Mayor Massa – thank you sir. Anyone else?

Matt Linda – Mayor Number 1 I never received a copy of the letter so how would I know what was the contents?

George Shemp – Schuyler Avenue. I got a positive and a negative thing. Recently I ran into the town came down and put up a dead end sign directly across the street from my house. So it was one of these new flashing signs so the positive end of this is Jimmy and Joe and Terence took care of it and they got it taken down because what that was doing was flashing in my bedroom, my living room, 53 times a minute, [inaudible] these signs are made directly the beams are made like little laser beams, they're made to shoot down the street, not made to be at the end of a street where there's housing across the street because where it goes is directly into the houses. Okay being that said, they moved it, they took it down, they put the regular stop sign I mean their dead end sign has been there for fifty years. I've been in my house 55 years and all of that time is maybe I'll give you the benefit of the doubt and go way out on the limb 10 trucks have made a wrong turn and gone down that dead end street and had to back out. So my principle first thing was I had ask Terence and I had ask Joe and everything where did the authorization for this sign and this necessity for the sign come up? These signs run from \$1200 to \$1700 a pop. I come here and all you guys every month say we aint got two nickels to rub together and you're going to scrutinize every dollar that's spent. If this was some kind of real dead end issue where you were getting a lot of major trucks like down on Porete Avenue so it might be justified or if it was a stop sign and it could save a life maybe I could justify it. I can't justify spending \$1200 only to say we haven't got two nickels to rub together. Alright what had happened was it really got me ticked off is they moved the sign I think they're going to take it to some place more where it makes more sense. This morning first thing they put the sign on the other side of the street. Now, I got two dead end signs, one that's just a reflective sign that was there for 50 years, now I got this flashing thing on the other side of the street. The now the funny part of this is before I came up here tonight, I picked up Mr. Burns and went past this sign. By moving it to the other side of the street now you got my neighbors house lighten up every time. The whole front of her house is flashing so now whether they're going to come up here and complain or not that's going to be their business but it seems crazy to me that you're putting a sign on the end of a street that's facing residential housing but doesn't even need it. I'd like to know who requested the sign on Canterbury that generated this interest to put this sign up and from what I can understand from Joe, I understand Chris didn't authorize it, Mr. Wall was surprised, who authorized this \$1200 sign because I believe you guys in saying well the budget and we have to live tight? And I've never come up here and really complain about the taxes, I know you have to get money to make the town run but this I'd like somebody to explain to me how this thing all occurred. That's it.

Mayor Massa – thank you.

Joe Cerrone – should we go through this again?

Mayor Massa – no.

Joe Cerrone – I actually have a question for this gentleman here of WSI.

Mayor Massa – then we need to swear you in. Joseph excuse me this is a hearing of citizens.

Joe Cerrone – do you want me to ask you the question then you ask him?

Mayor Massa – please put your question on the record, then we'll let him answer.

Joe Cerrone – okay, I would like to know if WSI is willing to put a million dollars in escrow for us to do the scientific research on his business that they want to start for the very first time after working on it for 20 some odd years because we have no clue obviously they have no clue either of the ramifications of the future of what this thing might cause, contamination or anything like that forget about the trucks that we certainly don't want coming through the community. But we shouldn't be financially strapped to do any kind of research to find out whether we're going to have a super fund site here in North Arlington or not. I think that's something that we would really want know before we got involved ourselves besides the BCUA and the Meadowlands Commission and all that.

Mayor Massa – well these are the issues that would be addressed by the Mayor and Council.

Joe Cerrone – well I'm just thinking if they would, they'd sound more serious if they were willing to put a million dollars in escrow for this sort of thing.

Mayor Massa – well like I said these are issues that would be considered by the Mayor and Council if they decided to go further with any kind of proposal like this.

Matt Linda – can I answer that real quick.

Mayor Massa – Mr. Linda, if you'd like to real quickly, sure.

Matt Linda – the New Jersey Department of Environmental Protection, anything environmental you have to go say hello to them and if they give us a permit and if they give us their endorsement, I can give you a hundred million dollars to make studies. If you get a permit from the New Jersey Department of Environmental Protection, with our third party verifications and our engineering firm of Saddahd Associates, they are the best in the state of New Jersey. I don't know what else to tell you. We have the best personnel working on this, to put up a million dollars for this individual to make study on his own...

Mayor Massa – of course if any legal issues are overcome and you're company decides to continue to go forward with the proposal of North Arlington as you say you have proposals to other communities also, then that would be a consideration that we would have to review prior to engaging in any approvals.

Matt Linda – and again if the county or the Borough of North Arlington is not satisfied with the permit requirements from the New Jersey Department of Environmental Protection and Saddahd Associates, I don't know what other documentation is necessary.

Mayor Massa – okay. Motion to close hearing of citizens. You want to be heard? Sure.

Craig Jothlull – two questions for WSI. I live on Geraldine Road and when we previously had the transfer station over there, it smelled pretty bad in the summer time, I was reading the process, I understanding that you're going to be bringing garbage in and putting it to the high temperature steel...

Mayor Massa – please address the chair.

Craig Jothlull – oh I'm sorry.

Mayor Massa – this is not an adversarial process with [inaudible]. Make your comments then we deem appropriate and can reply to them, we pretty much have an idea what this process is and what his proposal is.

Craig Jothlull – they're going to be using high temperature steam, is that to control the odor plus the cellulose process and also how many [inaudible] expect to generate of electricity and what I know they're going to be operating the steam turbines, steam turbines [inaudible] black seal froth for engineers to be on site so these are the issues that have to be about manning this plant and KW generation. Are there going to be any fines from PSE&G if they can't reduce the power because of a lack of garbage? On another note I've sat down with chief, I've been to DPW, we worked on a couple issues with the trucks and I offered my services which I've been a little delayed in getting some answers but we have gentleman Brian Sullivan who's on Navistar International North American Sales manager who's going to try and get out here with next week or the week after, sit down with North Arlington and offer his thoughts on the new processes of the [inaudible]. Pollution control, and all the issues that we'll be facing with the vehicles that the town will be purchasing in the future and now the problems that we'll be having.

Mayor Massa – thank you. Motion to close hearing of citizens.

MOTION TO CLOSE PUBLIC COMMENTS

INTRODUCED BY: Councilman Tanelli

SECONDED BY: Councilman Hughes

ROLL CALL: All council present vote in the affirmative

Mayor Massa – Mr. Shemp got a concern about these signs and he commented that they're somewhat costly. I think the traffic division generally makes an evaluation of where the signs are going to go and what kind of signs are going to be used. Now the new type of signs that are having an effect on the people's quality of life is something that we have to take a look at. So I'm going to direct the administrator to review this with the police department and DPW because while the police department makes a recommendation for the sign to be in a location, DPW actually does the placement. So one thing we do want to know is if people in the community have a problem with these things, we appreciate your comments coming up and letting us know about that, or you can just call the administrator's office and he'll be ready willing and able to have an address.

[Mr. Shemp speaks but is unable to be understood].

Administrator Wall – very briefly to the point of enhancing general safety with the public safety committee and Mayor and Council we've been seeking to put in place whether its stop signs or LED generated dead end signs or LED generated to reduce MVAs, reduce motor vehicle collisions, enhance pedestrian safety etc. In several years since we've been doing this, this is actually the first sign that seems to be an incorrect placement. So from broadly speaking the signs have been helping enhance public safety and pedestrian safety and motor vehicle as well because of how they're set up. And as mentioned to the gentleman that we tried to get it right and sometimes we get it wrong and if we get it wrong, we fix it so we did make site visit I think the same day [inaudible] inquiry from Councilman Bianchi the same issue and it wasn't too complicated to look at the sign look at the direction it was facing to make determination that it was the placement subject obviously to the safety division in NAPD to confirm that but the quality of life of every citizen is very important and we do try to find the sites that offer the greatest level of public safety for the least cost. So in this particular case, it appeared that a redirection of sign was in order, the final site will be determined. There was apparently an adjustment in siting but to create a situation for another resident to cure your issue, that doesn't solve the problem so there'll be a final determination as to where the sign will go but we have found a tremendous increase in public safety and also the feedback from the residents to credit the Mayor and Council by making modest investments in these LED devices with the steeped sloped streets that we do have, it's enhance the level of safety for your citizen. So we will review that will PD and Public Works and make sure that the final location of that particular sign is the right one so the tax payer resources are used wisely.

Councilman Hughes – I believe we're only doing a couple of these a year, am I correct.

Administrator Wall – that's correct.

Mayor Massa – any other members of the council wish to comment on the hearing of citizens? Okay, approval of minutes.

APPROVAL OF MINUTES

Administrator Wall – yes, the minutes, based on Councilmen input we're going to review them further for accuracy so we table those at this time and we'll bring those back at the next meeting. Resolutions on consent.

RESOLUTIONS ON CONSENT

R-73-11 RESO RE: AUTHORIZATION TO PAY CLAIMS

R-74-11 RESO RE: APPROVAL OF PURCHASES OVER \$3,000

R-75-11 RESO RE: INVESTIGATION OF PASSAIC VALLEY WATER COMMISSION

R-76 -11 RESO RE: APPROVAL OF 2010 BUSINESS LICENSES

R-77 -11 RESO RE: REFUND OF MONIES DUE TO DUPLICATE PAYMENTS

R-78-11 RESO RE: DONATION OF EQUIPMENT TO THE 911 FUND

R-79-11 RESOLUTION TO AWARD PROFESSIONAL SERVICE CONTRACT FOR TAX APPEALS

Administrator Wall – briefly on this resolution, there’s one item that was an administrative oversight, it had a cap of \$17,500 for a maximum fee. This relates to tax appeals. We don’t include the caps because we don’t know the level of tax appeals that you may have. And so in order to prevent having to come back to amend this resolution, we would simply strike the cap, you have a fixed hourly and it’s driven simply by the level of tax appeals so if we can simply amend that and this would delete the language worded cap fee and just left it as a straight hourly for tax appeal work that’s currently undergoing currently underway at this time.

R-80-11 RESO RE: MEMBERSHIP INTO THE NORTH ARLINGTON FIRE DEPARTMENT

INTRODUCED BY: Councilman Hughes
SECONDED BY: Councilman Johnson

Mayor Massa – discussion? I just have a question with respect to the professional service contract award. By exceeding that \$17,500 cap, are we going to need to any further action with regard to RFQ’s or anything to that effect?

Councilman Hughes – I believe he submitted an RFQ and was on the approved list.

Mayor Massa – okay so it’s on the record that the professional provider has submitted the RFQ.

Administrator Wall – yes, and this resolution was taken from because this was approval from the past year, it was current dated for this year but that language should have been deleted on the caps simply because it’s driven by the level of tax appeals.

Councilman Hughes – he’s got to restraint, he’s got to work within the budget so that the expenses start to exceed the budget cap than he would have to come back to this council and make appropriations accordingly.

Mayor Massa – okay, any further discussion? Councilman Yampaglia?

Councilman Yampaglia – question Mr. Mayor regarding the bills list 38500 regarding the tree removal; I thought we had agreed at one point in time not to remove the trees unless it was an emergency I know they’re removing trees now. What’s the purpose for this and I know the cost was [inaudible] engineer?

Mayor Massa – Mr. Wall?

Administrator Wall – Councilman which...?

Councilman Tanelli – point of order your honor. It says in the bills list that the snow removal services [inaudible] that most of their billings are listed as snow removal...

Councilman Yampaglia – oh snow okay.

Administrator Wall – is that acceptable Councilman Yampaglia?

Councilman Yampaglia – well there are trees for the first page and maybe the top of the next page.

Councilman Hughes – I believe there were some trees that were storm damaged and had to be removed during some of these winter storms we’ve had, I don’t know all the details on it; Mr. Mac is not here any longer so.

Administrator Wall – he can be recalled if you need to discuss the item with him. We would typically, healthy trees we typically do not authorize the removal of, trees that were storm damaged or if there were an electrical strike or there are other type of perhaps a utility issue those we simply have to react to, respond to but if you would direct me to a specific bill, I'll do my best to answer your question, I'm just not quite clear what page.

Mayor Massa – I think the DPW keeps a record of why the trees are removed and for what particular purpose so I think we have to, the administrator would have to okay all of these removals.

Administrator Wall – every single tree is reviewed and it's a specific request and under the description the bill lists it should also have at least a modest description of the location and whether or not it's an emergency. We do not act as a landscaping agent for any folks. We do not remove healthy trees unless it's something highly unusual and but again if you could direct me to a specific area of the bills list I can...

Councilman Yampaglia – the very first page right after 73-11. It's the second page actually.

Councilman Hughes – bottom of the second page of the bills list.

Administrator Wall – just as a note if I could always make sure if I have some advance notice I can have detailed description to any bills list item for you as well. okay, Sunset Avenue tree stump, Fairmount remove broken limb, prune tree, so broken limb, Sunset, emergency tree removal Ridge Road by cemetery tree and stump.

Councilman Hughes – Mr. McCabe is well aware of the policy, we don't remove healthy trees. Trees are generally removed for either a dangerous condition or it's been broken in a storm and that's generally the only reason we bring it in, bring the contractor in to do it. We use to do this work ourselves but we have somebody who is trained to do it and we had a bucket truck that properly functioned but unfortunately we don't have that luxury anymore. So.

Mayor Massa – so we call an expert.

Councilman Hughes – we [inaudible] it out and its actually probably cheaper in the long run so.

Mayor Massa – and safer.

Councilman Hughes – and safer.

Administrator Wall – if you're comfortable at approving that at this time I could certainly reach out to Mr. McCabe and get a detailed description for you or you can table these bills until the next meeting whatever your prefer, whatever the council prefers.

Councilman Yampaglia – we can vote, yes.

Mayor Massa – satisfied with that Councilman. Alright any further discussion?

Administrator Wall – I'll make sure you have thorough explanation of any bills that concern you.

Councilman Yampaglia – your honor, regarding this [inaudible] 75-11 that's the ...

Mayor Massa – investigating Passaic Valley Water Commission. I think what this does is just establishes certification by the council that they're supporting any what it does do there have been some complaints over the pass several months regarding the way in which public commissions and authorities are regulated. Mrs Collozzia has made a recommendation supporting an investigation of the certain of the business practices of the Commission. I don't know what the findings will be but if the state of New Jersey or any government entity wants to take a look at the Passaic Valley Water Commission, that's well within the authority to do so. We have our own issues with the Commission on occasion so whatever further review can be undertaken by any other government entity is always acceptable.

Councilman Yampaglia – Mr. Mayor, in terms of the cost of that investigation, can anybody answer that?

Mayor Massa – no there's no cost to us on this.

Councilman Hughes – it's not a cost. Mrs. Gloria Collozzia one of the commissioners on the Passaic Valley Water Commission has invited the state to come in and do a review of the Passaic Valley Water Commission based on what happened at Passaic Valley Sewer Commission. Shortly thereafter the Bergen Record did an expose on the Passaic Valley Water Commission on the excessive salaries and so forth going on there and the fact that over the next five years, we're going to experience an additional 25% rate increase for the residents of North Arlington and I think we'd like to support Mrs. Collozzia in her request for an investigation based on that and based on the recent reporting in the Bergen Record as to the excessive payment of salaries and bonuses and everything to the employees of Passaic Valley Commission while all at the same time jacking up our rates to unconscionable levels. So that's what this is all about. It's not going to cost us anything. We're just asking that the governor would direct that the investigation to take place.

Councilman Yampaglia – thank you.

Mayor Massa – many times reviews like this will uncover a number of different issues that are of interest to the public especially in our case being that we get our water from the Passaic Valley Water Commission. Sometimes a review will lead to more efficient practices and better delivery of services because on occasion we here our residents come and complain about certain aspects of their performance that's not acceptable and we're continually in a process where we're making complaints to the Commission. Perhaps this review might help us and other communities resolve some of those issues. Any further discussion? Call the roll.

ROLL CALL: AYES: Councilman Yampaglia, Councilman Bianchi, Councilman Hughes*, Councilman Johnson, Councilman Tanelli**, Councilman Kearney

*yes with the exception on the bills list – abstains from any fire department purchases due to involvement with the fire department

** yes with exception of purchase order 357887, 257888, 257095.

Mayor Massa – administrator's report.

ADMINISTRATORS REPORT

Administrator Wall – yes Mayor and Council for the sake of your time today I'll [inaudible] of the administrator's report, I want to ask one question as far as agenda development. There's been some questions we have two regular council meetings, second and fourth Thursday typically, one designed to be more workshop session although it's a regular council meeting to the extent you wish to introduce an ordinance and have a second reading. Did you wish to have the second or first meeting one that's lighter on because there's a reference to council reports, did you want to have these items at each meeting or did you want to amend how we handle one or the other meetings?

Councilman Bianchi – well personally if we're going to do redevelopment, it takes hours to do redevelopment, and we'll be here until like one o'clock in the morning if we have a full schedule.

Councilman Hughes – I think we've all already given Neglia Engineering permission to not attend both meetings a month. I think what we can do on the second meeting of the month I would recommend we dispense with the normal administrator's report, the normal engineer's report, the normal council reports because not much is going to change in a period of two weeks. If anything comes up that has to be reported to the council we can always add it at the last minute.

Administrator Wall – so we can strike...

Councilman Hughes – we'll have an abbreviated agenda for the second meeting of the month.

Administrator Wall – is there consensus on that?

Mayor Massa – we can dispense with the council reports and the engineer's reports.

Councilman Bianchi – especially when there's going to be a redevelopment.

Councilman Hughes – and we can schedule it if we can still get any redevelopment hearings or any special hearings or anything else, we'll schedule it for the second meeting of the month.

Administrator Wall – okay.

Councilman Hughes – with an abbreviated whatever resolutions has to be addressed at that time or any ordinances that have to be adopted will be done handled but then primarily it's not the main focus of the meeting.

Administrator Wall – that will conclude my report.

Councilman Hughes – I'll make that a motion if you'd like.

Administrator Wall – we can handle that administratively. The engineer is here Mayor if you have anything brief then since she is here.

ENGINEERS REPORT

Neglia Engineer Stephanie Santos – Mayor and Council, there's really nothing to report from last week, last meeting.

Administrator Wall – is there any questions then for the engineer? Any outstanding projects?

Councilman Tanelli – I'd like to thank her for sitting through this meeting just to tell us that there's no update. We appreciate it.

Councilman Hughes – we do appreciate it. Just so you are aware we did I think you were here last month when we told Michael that he doesn't need to attend both meetings. What we would need, what we did need you here for tonight though was the redevelopment hearing because of the fact that your report was critical to this hearing and having you here was very important and we thank you for your time and patience.

Neglia Engineer Stephanie Santos – just to clarify do you want an engineer's report even at the meetings were not?

Mayor Massa – that would be the first meeting of the month.

Councilman Hughes – well if you could generate, if there's something that changes...

Neglia Engineer Stephanie Santos – for the second meeting would you still like us to generate a report?

Administrator Wall – yes and I'll email it and if there's anything urgent, the council will direct me to ask you to come.

Neglia Engineer Stephanie Santos – okay.

Councilman Hughes – well if there's nothing that changes ...

Borough Attorney Pearce – I was just going to say do we need a second report or just do one report a month?

Councilman Hughes – I would say unless something changes if you have something that's critical send us a written report. Mr. Wall usually gets it out to us a few days ahead of time and then if we need you there, we can always make a phone call and say we need further clarification on this. Thank you very much.

Neglia Engineer Stephanie Santos – thank you.

Mayor Massa – we want to be cautious about how we have these council meetings. I don't want the councilman to submit vouchers for overtime. Executive session.

R- 81-11 EXECUTIVE SESSION – [Personnel, collective bargaining]

INTRODUCED BY: Councilman Tanelli
SECONDED BY: Councilman Hughes
ROLL CALL: All council present vote in the affirmative

[Executive Session]

MOTION TO RETURN TO THE REGULAR ORDER OF BUSINESS

INTRODUCED BY: Councilman Tanelli
SECONDED BY: Councilman Hughes
ROLL CALL: All council present vote in the affirmative

Administrator Wall – we have two resolutions into the record Mayor. First will be Resolution...I'll number this resolution in a moment. Be it resolved that Frank Guanci is hereby appointed police lieutenant with the North Arlington Police Department effective February 25th 2011. Appointment is subject to agreement that any pay differential is waived for a period of 1 year from the date of appointment. Appointment is further conditioned upon all relevant certifications and approvals from all respective state agencies.

INTRODUCED BY: Councilman Tanelli
SECONDED BY: Councilman Bianchi
ROLL CALL: All council present vote in the affirmative

Administrator Wall – be it resolved that Rui Encarnacao is hereby appointed police sergeant with the North Arlington Police Department effective February 25th 2011. Appointment is subject to agreement that any pay differential is waived for a period of 1 year from the date of appointment. Appointment is further conditioned upon all relevant certifications and approvals from all respective state agencies.

INTRODUCED BY: Councilman Kearney
SECONDED BY: Councilman Tanelli
ROLL CALL: All council present vote in the affirmative

ADJOURNMENT:

MOTION TO ADJOURN

INTRODUCED BY: Councilman Tanelli
SECONDED BY: Councilman Kearney
ROLL CALL: All council present vote in the affirmative