

SAYREVILLE PLANNING BOARD

MINUTES OF February 7, 2024

The regular meeting of the Sayreville Planning Board was called to order by Mayor O'Brien and opened with salute to the flag. Chairman Tighe announced that the meeting was being conducted in accordance with the Open Public Meeting Law P.L. 1975, c231, Public Law, 1975.

Members of the Planning Board present were: Mr.Chodkiewicz, Mr. Allegre, , Mr. Bolton, Mr. Muller, Mr. Shah, Ms. Lahrman, Councilman Zebrowski and Mr. Tighe

Absent Members: n/a

Also present were: Mr. Cornell, Mr. Fowler and Attorney from DiFrancesco Bateman

AT THIS TIME, THE REORGANIZATION MEETING WAS OPENED:

Chairman Tighe asked the Planning Board Secretary if the board meeting was being conducted under the Sunshine Law and if all publications were notified, the secretary had stated, yes.

ACCEPTANCE OF MINUTES:

Mr. Bolton makes a motion to accept the January 17, 2024 meeting minutes; seconded by Mr. Muller. Motion Carried.

SITE PLANS/SUBDIVISION HEARING:

2069 Highway 35, LLC ~ Preliminary & Final Major Site Plan

2069 Route 35, Sayreville

Atty: Giordano, Halleran & Ciesla, PC

125 Half Mile Road, Suite 300

Red Bank, NJ 07701

Mr. John Giunco, Esq. from Giordano, Halleran & Ciesla is representing the applicant. This application is to permit the applicant to amend their site plan. The site is currently located on lots 1, 2 and 2.01 on Blk 428. The site operates as a garden and landscape product business. The applicant has received summons from the Borough of Sayreville and in response they submitted a site plan application to address some of the issues. The application will seek variances for the following: front yard setback to an existing garage of

25' required, 21.6' provided, 50' buffer to residential zone, front yard outdoor storage for equipment and materials. The applicant is seeking several waivers, as follows: providing a min. of 10% of surface parking to be landscape and to include one shade tree to parking spaces; hairpin stripping for all parking spaces; provide parking lots and loading area with concrete; Belgium block curbing; sidewalk throughout the site and along the frontage; surfacing the off-street parking area with concrete pavement and dedicate off street loading for the new pole barn.

Mr. Giunco, Esq. stated there are several witnesses and they submitted their notice packet to the Secretary. Mr. Sordillo, Esq. agreed he had received and reviewed the notice and the board has jurisdiction to proceed.

First witness, Jelena Balorda-Barone, PE from French & Parrello Associates was sworn in. Ms. Barone is a Senior Project Manager and Shareholder at French & Parrello Assoc., with over 25 years of experience in Land Development and a BA from NJIT as well as an M.E. from Stevenson Institute of Technology. She holds an active license in the State of New Jersey.

Ms. Barone states the subject property is located at 2069 State Highway 35, Block 428 Lots 1, 2, 2.01 with approx. 1.977 acres. The site has frontage on Highway 35 including the ramp and is located in B-3 highway business zone. They are currently operating as a landscape yard. In 2001, a site plan approval was granted with bulk c variances for the landscaping yard and office use. The bulk variance was granted for the front yard set back as it relates to the existing garage, where 25' were required, 21.6' is proposed. A variance also granted 50' buffer and the previous owner received a use variance to continue the residential use of the property. The applicant purchased the property after the 2001 approval was granted and at the time of purchase the property was only partially developed with the residential dwelling. The applicant made the site plan improvements to operate his business.

Ms. Barone informs the board of the differences from the 2001 approval. The current applicant has been using the property as a Landscaping yard with three (3) structures on the property. The commercial building in the rear, the garage which the variance was obtained for and the single-family home, which is no longer being used as a residence. The commercial building contains the applicant landscaping yard and office for sales. There is storage along the rear of the property on the westerly side. There are currently fourteen (14) bins along the westerly property line and two (2) bins along the easterly property line. The bins are block enclosures that store landscape supply materials such as mulch, top soil, and various types of stone.

Ms. Barone states that on the southerly side there are five (5) bins shown. The bins existed at the time of the site plan drawing, but the applicant has move those.

Chairman Tighe asked, how many bins are there now? Ms. Barone stated, 14 along the west and 2 along the east.

Ms. Barone mentions an encroachment of the neighbor's fence on the applicant's property that varies from 12'-15' on the southerly side.

They are proposing to eliminate the encroachments and concerns and also legalize the use to assist the business to continue to operate. The applicant would like to remove the single-family dwelling and replace it with a pole barn building. The building would be 45'x50' and used as a storage warehouse to store the material. On the opposite side of the existing parking space, they would construct 5 new spaces which would serve for the new building and office space, if needed.

Ms. Barone states they are requesting the outdoor front storage for materials and equipment, as well as an area along the jughandle. They would like to construct two (2) new bins which would be placed 50' away from the southern property line in order to provide the required buffer. They are proposing to enhance and improve the existing buffer along the southern side with evergreen in a stager fashion and three more trees.

Mr. Sordillo, Esq asked for clarification of the bins. Ms. Barone stated a total of 14. 12 along the western, 2 along the southern.

The configuration that was described by Ms. Barone would provide the same access to the site from the existing driveway that is located along the northern property line. No change requested. Previously there was a second access point south of the jug handle with a curb cut but they could not find any approval or permit from the DOT. The applicant was using this access but has blocked access by placing large blocks in front of it, so trucks do not travel. They are proposing landscaping and trees so the access can not be utilized.

Ms. Barone discusses the letter from CME dated February 7, 2024 as follows:

- A. Site grading and general comments – they agree to everything except item E. Since they are closing the access and have no plan to remove the curb.**

Mr. Cornell informs the board item E was included for approval since the applicant's use has changed and feels the DOT should review what is currently there and being proposed.

Ms. Barone asked if they provide a letter of no interest from the DOT, would that be sufficient. Mr. Cornell stated, yes.

Mr. Chodkiewicz asked how many parking spaces were approved on the original site plan? Ms. Barone answers with a total of eight (8) spaces were approved, nine (9) is required and with the new building they are proposing thirteen (13) spaces. Based on the site plan, the proposed parking will be between the buildings and behind the existing. Ms. Barone stated the driveway is 31' wide, which would allow someone to pull over and adequate two-way driving.

Ms. Barone refers back to the CME letter,

Item #2 – agreed.

Item #3 – architect will discuss

Item #4 – planner will discuss

Item #5 – agreed they will handle with tax assessor office and will file by deed.

Item #6 – they are requesting a waiver (Per Mr. Cornell that waiver was granted on the previous application and his office does not have an issue with that.)

Item #7 – they are requesting a waiver. (Mr. Cornell's asks what type of delivery vehicles the applicant have?) Ms. Barone states, they will have dump trucks and tractor trailers that will deliver to the rear of the property/bins. On sheet 9, Ms. Barone is showing the access from Route 35 heading to the rear of the property and turn around to back in to do the pickup/drop off of materials. Chairman Tighe is asking about turn around or back out. Mr. Cornell informs the board that a 12'x50' designated loading area is required but they are looking for a waiver.

Item #8 - requesting a waiver, landscape yard has gravel

Item #9 – requesting a waiver for the rear portion

Item #10 – requesting a waiver, Ms. Barone noted sheet 4 showing the area along Route 35 and jug handle

Item #11 – Per Ms. Barone, dumpster rentals will not be handled on this property. They would like to conduct business A – G, not including C.

Item #12 – Winter hours Monday-Friday 7 a.m. – 4 p.m. (not open on weekends) In the event of snow or bad weather, they supply the BOE with salt. They would request to be open as needed for rock salt. Summer hours Monday – Friday 7 a.m. – 5 p.m. and Saturdays 8 a.m. – 2 p.m.

Item #13 – Typically there are three or four employees on site

Item #14 – Mr. Cornell asked about the salt bin and location for this proposal? Ms. Barone does not know the answer for sure. Mr. Giunco, Esq. stated they will not be storing this product on the southerly side. They propose two (2) bins for less frequent pickups.

Mr. Cornell stated that the salt should be located as far away from the residential area as possible and stored in the most northerly bins. Applicant agrees to this request.

Ms. Barone refers to Section B Sanitary Sewer System, there are currently bins on this location and the applicant will be removing the structures. The water system design report will be updated and provided during resolution compliance.

Section D Storm drainage system, Ms. Barone testifies that back in 2001 a storm water management basin was designed for the project. Part of this application, they are proposing to add another underground storm water management system. The new system will discharge at the existing system, which is to the farm field. Ms. Barone shows the new building will be tied into the system and also inlets placed to catch run off and detain the water and discharge at current location. They are also proposing an up-flow filter and acting as a pretreatment before discharge. Mr. Cornell advises the board that they have been back and forth with the engineer's office to discuss this design. Most items have been addressed, but a maintenance plan and manual will be required as part of the resolution compliance. Ms. Barone addresses Item #5 with regard to the grading.

Section E landscape and lighting – Item #1 -based on their proposed plan they are short 41 trees and will contribute to the Borough tree bank.

Item #2 – they will comply

Item #3 – they will comply

Item #4 - they are requesting waiver since the parking is between the two buildings

Item #5 – Ms. Barone referred to Sheet 7, she felt they comply. The westerly area has additional bins and should have additional buffer, per Mr. Cornell. Ms. Barone stated they can plant additional trees in the berm.

Item #6 – Ms. Barone states there are normally four (4) pallets high are being stacked. Mr. Cornell stated there are four pallet high storage stored in the front yard, they are looking for a number of waivers addressing this and should be reviewed by the board to see what can be done to dress up the site or limit the storage.

Item #7 - Per Ms. Barone, if the board desires additional screening, they would comply.

Item #8 - they will comply

Section G, Item #1 – the applicant will be using existing traffic patterns and Mr. Guinco did not prepare for this question, so this will be discussed with client. Mr. Cornell asked if all vehicles and equipment can be noted on the plan, where this will be parked on the property. Also, any rental equipment as well.

Item #2 – there is an existing enclosure on the site and can be updated if needed. Pick up during business hours.

Item #3 – if there is a request from the Fire Official, they will comply

Item #4 – this is an existing non-conforming condition

Item #5 – the existing parking does not have hairpin striping, so they are looking to match the existing condition.

Next to discuss, Mr. Fowler’s report which majority has been addressed with CME’s report. Referring to General Comments, Mr. Fowler would like more information on the plans showing where equipment and parking will be. Ms. Barone stated they will add additional arrows and provide a color rendering to clearly identify materials used on the plan, such as gravel, concrete and soil etc. They will provide street trees along the jug handle. Mr. Fowler has requested the applicant to supplement the buffer along the side with the farm. Ms. Barone stated she will work with CME and Mr. Fowler to discuss further on the buffer along the property line.

The lighting they are proposing would be two (2) wall-mounted light fixtures and there will be no light spillage based on their design. Ms. Barone stated there is no lighting on approx. 2/3 of the property and not proposing. Mr. Allegre asked how the lighting works with the salt bin?

Per Item #13, their client does not intend to install solar panels at this time. The rooftop is not very large and it would not generate much electricity. EV charging is not required since they have less than 25 spaces, but they do have a Level 2 charger currently on the site.

They are proposing a sign that does conform to the current zoning requirements. Item #17, they will comply.

Next witness, Kurt Ludwig, Architect, was sworn in and credentials were accepted. Mr. Ludwig marks board Exhibit A-1 -site key plan, proposing a 45’x50’ pole barn type structure with gable roof. Next exhibit, A-2, is a floor plan. Slab on grade construction, one overhead door and one-man door. There will be windows on all four (4) sides of building and a two (2)-piece bathroom. Exhibit A-3 – elevations, siding is gray metal, stone veneer – similar to the adjacent building and roof will match as well. Same color scheme as the existing building. Item #11 within Mr. Fowler’s report, they are proposing 18.4 in height and two (2) light fixtures on the building .

Last witness, Andrew Janiw, Professional Planner, principal of Beacon Planning and Consulting. Mr. Janiw stated this property is in a B-3 zone and this has been deemed a permitted use. They are requesting waivers that have been discussed. Based on the variance relief details in preparation of this evening, I have reviewed the master plan, ordinances and both review letters from CME and Mr. Fowler, as well as the history of the property. This application seeks to reorganize the site to something that is more attractive and eliminate a non-conforming use. Mr. Janiw states they are seeking a C variance; C-1

which is the hardship and C-2 balance test variance. This would qualify under the C-2 criteria, positive criteria that is the application relates to a specific piece of property, which it does. The purpose of the MLUL would advance by this. Bringing this property closer to conformity benefits the public. The benefits are to organize the property, designate the type of storage and location. It will create additional drainage and relief on the property, regrading the property to avoid any flooding issues that were discussed. Mr. Janiw feels this application would be a positive use in this location. Exhibit A-4 – Aerial of property.

Public Portion was opened

**Bob Duffy
111 Merritt Avenue**

He has been leaving there for 46 years and thanks the neighbors they came tonight. This is very important to us and our quality of life. It seems very odd that tonight they want to be in compliance. For four years, we lived with it. He had 19 bins there and it was a nightmare, so when my follow neighbors tell you about noise, trucks, 2 am – we lived it. I have a lot of questions for the professionals. He is asking the height of the bins? The applicant's professionals do not know the height of the bins. How much material goes into the bin? How many yards? They don't know that either.

Mr. Chodkiewicz asked if any of the material from the bins are blowing onto your property? Mr. Duffy stated yes. Under the resolution in 2001, Mr. Burlew purchased the property. He had to know about the resolution because he put that building up. Mr. Burlew placed bins onto the westerly side and south side. The township is now in litigation with this application. I do not know what the outcome will be. I have been following for four years. The product that goes into the bins come on super dump trucks, they are 88,000 lbs trucks. The product that is delivered, the applicant uses a backhoe to scoop the product. This piece of equipment has a backup alarm, that beep is going on for at least a half hour. Every time a customer comes, beep, beep, beep continues, all day long. He didn't hear anything about a hi-low, which also has an alarm. Since he has destroyed all of the buffer between his property and Merritt Avenue, we can see the highway. It's like living in a warehouse. The trucks that deliver the product, dump trucks. They let the back door hit like a bomb, BOOM. It was stated that he only will work at night in the event of an emergency. How many emergencies are there? One a year, One night. Two/three a month. The trees that are looking for a buffer, what size are they? Ms. Barone stated the evergreens are 8-10' height, red cedars at 8' high, spruces will grow 40-60' high with a 35-30 spread. The red cedars grow to 30' high to 10-20' spread. Mr. Duffy asked, how high every year? Ms. Barone stated that is probably a 20-30 growth. Mr. Duffy, asked how many years? Ms. Barone said it will take a while, 20-30 years.

Mr. Duffy asked why they can't replace those trees with a same height of 30'? What kind of neighbor is he? It took him four years to kill everything. I believe you should knock this application down. Thank you very much.

Mr. Giunco, Esq. objects to this client handing out this binder. Mr. Sordillo, Esq. stated this is just being handed out and we are not accepting this into evidence.

**Jeffrey Shaute
116 Merritt Avenue**

Mr. Shaute was sworn in and provided a binder to the board and to the applicant. Mr. Shaute stated there are photos within the binder, back up information that nobody knows anything about.

Exhibit A-01; documents are photos of the site and some information about silica; report on asphalt millings; three police reports – spraying trees, flooding and noise with loading salt. Next photo is the overhead view in 2015 and then another photo of when he moves into yard, trees dying and excavate to place his drainage pit down at the bottom of hill. The next photo shows all the bins, number of vehicles etc. Photo 3A – when the applicant puts his drainage pit in and lowered the grade. Photo 4 – first truck dumping asphalt millings Photo 5 – shows tractor trailers going up road (side of his house) Photo 6 – asphalt millings throughout the entire yard. Stopped counting after 50 tandem loads. He is moving it with a dozer, same day leveled out. Asphalt milling for fill. 2/14 – shows truck on side of house. Photo 8A – mulch stacked in front of house. Photo 9 – shows trees before they died. Photo 10 – asphalt milling going up side road. Photo 11 – dumpster being off loaded along side of house. Photo 12 – his truck kicking up dust. Photo 13 – photo taken from the rear of home showing excavated behind state property, he created a road to park equipment and places a wrap on state's property which kills all buffer Photo 15 – another photo going around circle jug handle, more trees died. Photo 16 – salt and wrap Photo 17 – loader going up and down circle. Photo 18 – from July of 2023, water flowing into yard Photo 19 – resident's backyard Photo 20 – basement Photos 21-25 – From September 11, 2023 water in yard and street. Photo 26 – applicant moving blocks to front of property. Photo 27 – built a ramp to load truck. Photos 28/29 – From 1/7/24 – 9 p.m. loading salt Photo 30 – applicant's equipment going around circle. Photos 31-33 – silica dust from stone

Mr. Shaute has reports about Silica dust that is hazardous and cancer causing.

Photo 34 – shows Borough of Sayreville Park. Silica dust travels 750 meters (over 2,000 ft) and will stay in air for 10-12 days. Photo 35 – photo taken on 2/24 showing you that he is

loading bins again. Photo 36 – front yard of business Photo 37/38 – water from underground detention system draining into farm.

In front of the binder, there are two MSDS sheets – river pebble and masonry sand.

Mr. Shaute states they have a 3-year-old and has to wash off the deck before letting their child to play outside. Something has to stopped. The flooding has to stop at my house.

Mr. Sordillo, Esq. states that the binder is very impressive. Mr. Shaute stated there is not enough room for loading.

Mr. Muller asked if resident has tried to resolve these issues; Mr. Shaute stated, yes for 4 years and then went to zoning and construction. They have been tied up in court. Mr. Muller asked if Mr. Shaute had the dust tested, how in the photos do you know its Silica? Mr. Shaute stated no. He did not have the dust that has settle in his yard tested but every stone the applicant supplies, which is noted on his website can be looked up by the MSDS.

Mr. Allegre asked if we can request the applicant to do Silica testing & monitoring, noise testing & monitoring – we can maybe ask the applicant to change out his back up alarms to a white noise alarms, rather than beeping.

Mr. Sordillo, Esq. stated he wouldn't limit the testing to only silica, but to do an air sample.

Mr. Muller asked about the police report of January, was this only about the noise? Mr. Shaute, stated yes and provide further detail explanation of the noise. Mr. Muller asked about the flooding and the grading. Mr. Shaute stated this issue didn't start until 2 years ago. He has lived there since1998. The trees are also a big issue.

Mr. Muller stated he doesn't feel what he is saying is incorrect, but there is no expert testimony or reports that what he is doing is causing it. We hear the issues are flooding, dust and noise. We have a potential to abate the noise, deal with the flooding and now how do we prevent the dust going to the neighbor's houses?

Mr. Sordillo, Esq informed everyone that this board does not have the authority to stop the use. This board is only hearing an application to modify the site plan. Even if the board denies the application, the site will still operate.

Councilman Zebrowski stated from his understanding the original resolution permitted for a landscaping business. This seems to be far more expansive than a landscape business. Is it in our authority to make a decision related to how over populous this site has become or

not? That does include all of the additional product that is there now. If we can't address that, we are addressing it on the backend. Maybe we can address this up front and state this is prohibited and shouldn't be happening to begin with. We need this to be clarified, Mr. Sordillo, Esq.

Mr. Sordillo, Esq. stated he didn't mean that we don't have jurisdiction over what that application before us. They have prior approval and they have been operating. If there is a violation, its not this board who judges whether or not the operation stops. That is the zoning officer filing complaints and go to the municipal court or the supreme court that will make that jurisdiction or violation. This body does review the application and tries to make the property owner develop it and make as compliant as possible.

Councilman Zebrowski said twelve additional bins of new material, is that correct? Is that also part of our decision making or to mitigate something that doesn't belong there to begin with. Mr. Sordillo, Esq. agreed and doesn't want to make this confusing.

Mr. Muller asked, is this a permitted use to store the material in the bins? Mr. Fowler stated three bins were approved.

Mr. Muller stated his issue with the permitted use is that it is causing a nuisance on the neighboring properties. The nuisance isn't a permitted use, so if he has photos of dust and invading his land, that is a nuisance.

Chairman Tighe asked the residents in the audience, who here has the same problems that was just discussed. All residents raised their hands. He thanked them for coming and stated its just not one property, we have nuisance that is being created for a number of residents. How do we resolve this?

Mr. Guino, Esq. stated we revised the plan to enhance the buffer to 50' and move the bins away except two bins, proposing a heavy landscaping plan and possible a board-on-board fence on the property line. Chairman Tighe, asked would your client be in agreement with doing an air/water/noise study? Mr. Guino, Esq. stated he would like to agree to everything, but I would need to understand the cost. Chairman Tighe stated we need to know if the white noise would be better, we need to know what height we are looking for the bins, number of bins and I am not sure if that drainage system is going to work. It didn't work the first time, with the photos that were shown, that a lot of water going through there. If we come up with a three-month time frame to do water/soil/air testing and come back to something we can agree on.

Mr. Sordillo, Esq asked, with regard to the fill that is permitted, I quickly went through the resolution, the prior resolution does just say landscape materials, such as, top soil etc. It's not limited to top soil. There is no definition in the resolution and I did a quick search of the ordinances, and based on the quick research, I didn't see a definition in there. It would have to be based on the industry standard of what landscape material is. Which could include those type of rocks and materials and so forth. The original approval is limited to 3 bins. If this board does not approve more, then its zoning violations. That would have to be addressed outside this board. If this board says, we are willing to agree but maybe not the 14 you are asking for, that would be something to be worked out with the developer and they would have to agree or not, otherwise it's a denial and goes back to the 2001 approval. Mr. Sordillo, Esq. continues, that what Chairman is saying there are a lot of issues that are potential nuisance on the neighboring properties. This directly effects granting of a variance, that is being requested here. It would make sense to talk it out. I believe a noise test as well, since the Borough has a noise ordinance and they do need to comply with that. The noise ordinance follows the DEP standards. We should have the applicant come back with this information, so this board can make a decision as well as address the issues with the public.

Mr. Cornell stated that is why the applicant is here. The Borough has issued violations because what is there now is not in compliance with the original approval. They type of use, hours of operation and number of employees, numerous construction was completed without approval of the Borough. That is why the Borough went to court. Mr. Cornell's understanding is the court directed the applicant to attempt to receive approval for what they did because it did not comply with the original resolution of approval.

A resident speaking (unsure who) is asking if we can obtain, the number of vehicles and size of the trucks on property.

Another resident came up (speaking not in microphone) and didn't provide any name and address – he spoke about heavy duty machinery, fumes and heavy equipment. Multiple trucks and a lot of noise. Name Mr. Lesniak(provided at the end).

**Steve Diaz (he was not speaking in microphone to clearly get last name)
116 Merritt Avenue**

It has been a four (4) year process to get where they are today. My question is, how do we know if a new resolution is going to solve the problem they have. Mr. Cornell answered, let's assume this application is approved. There would be numerous conditions that would have to be satisfied. They would need to submit revised plans to the Borough, they would be approved and the applicant would need to construct per the plans, if he did not and

continues operating without complying with the resolution, then we are back to violations issued by the Borough and taken to court.

Mr. Diaz reconfirmed all of the other complaints with the water, dust and noise. He also stated that the “blocked” driveway that has not been in use, which he disagrees as he still sees trucks using it to turn around. He discusses about lighting on the property, which he felt was a lie of what they testified to . He says there are two (2) lights that face our property. It is not a bright light, but there is lighting that directly faces my little girl’s bedroom. He discusses the police report within the binder.

**Paula Duffy
111 Merritt Avenue**

She is going to address the application. The bins are still near the homes and all of the vegetation started to go first and the way they have the trucks coming in, they have to back up, back up (noise). There are a lot of variances in this application, what is he conforming with what the land is for. It appears to be custom made, despite all of the violations with the town. But my final words to you all are, beep beep beep. Think of that. That’s what we hear. Thank you and deny this application. Please

**Bob Duffy
111 Merritt Avenue**

Now that you hear what we have been dealing with for the past four years. To the attorney we are not here for you to fix the problems. We are here to let you know that this was completed in 2001 in detail and he didn’t obey by it. So, what makes you think he going to obey what you put down. What we need to do, knock this application down and let the court deal with him. They started to and a question to the attorney. Why did they move the five bins? Kindness of his heart?? Why did they move the five bins from the southerly part of the property? Let me give you a few dates – August 1st – the order was out to remove all the bins. October – Borough went back to court, nothing was done. ZERO. A supreme court judge ordered him to move the bins – he did nothing. Andrew the zoning officer took photos for the attorney to go back in with a five-day rule. Still did nothing. Finally, December 21st – he finally moves the bins, because they were going to shut him down. I am trying to bring them up to speed to what is going on. I have been dealing with this guy for four years. We are not experts, we are neighbors. How long does it take for a planning board application to be submitted, average? Mr. Sordillo, Esq. stated that is a tough question, depends on application. I cannot answer that, I am sorry. Too many variables.

Mr. Guino, Esq. answers, the average is 4-6 months. Mr. Duffy states, this has been going on since 2021. The first attorney told the judge he filed an application, that was a lie. September 2023 – finally placed an application.

Mr. Duffy and Mr. Guino, Esq. went back and forth disagreeing.

Mr. Duffy asked please deny this application and let the courts handle him. Thank you very much.

Mr. Muller and Mr. Duffy went back and forth.

Mr. Guino Esq. answers, the whole purpose of this application to buffer and shield the southern part of this site. So that was attempt to satisfy your concerns. Now, I see that is not achievable, so we need to continue with the board to try.

**Resident
116 Merritt Avenue**

I couldn't get name, wasn't speaking into mic. She was diagnosed with breast cancer a year ago. I haven't been sick a day in my life. I don't know what caused this, I have no family history. I don't know where this came from.

Public portion is closed.

Mr. Guino, Esq. objects to the binder that was submitted. The objection is noted and Mr. Sordillo, Esq. will look further into the issue. The binder was marked as an Exhibit. The board and attorney went back and forth regarding this.

Mr. Guino, Esq. requests to carry this meeting to the next open Planning Board meeting of March 20th without notice.

Motion to carry this meeting without further notice to March 20th,

ROLL CALL:

YES: Mr. Chodkiewicz w/comment*, Mr. Allegre, Mr. Bolton, Ms. Lahrman, Mr. Muller, Mr. Shah, Councilman Zebrowski and Chairman Tighe

NO:

ASTAIN:

OLD BUSINESS/NEW BUSINESS/ADMINISTRATIVE MATTERS:

Next meeting will be February 21st. Mr. Cornell informed the members that we have Masjid Community Center on Ernston Road.

Public portion was opened and closed

Mr. Allegre made a motion to adjourn, seconded by Mr. Muller.

Respectfully submitted,

**Beth Magnani
Planning Board Secretary**