

**BOROUGH OF RIVER EDGE  
LAND USE BOARD  
MEETING MINUTES  
ZOOM MEETING  
May 27, 2026**

**NOTE** – Public meetings of the Municipal Land Use Board of the Borough of River Edge will be held in person in the Council Chambers on the second floor of Borough Hall, 705 Kinderkamack Road, River Edge, NJ 07661 unless further notice is provided. Meetings will be held concurrently via ZOOM (Hybrid). Members of the public may attend meetings in person or via ZOOM. To join the ZOOM meeting via smart phone, computer or tablet. The log in information and a link to the meeting will be posted on the Borough’s website at <https://www.riveredgenj.org/landuse>.

Chairman Caslin calls the Meeting to order at 7:35 p.m.

Roll call:	Mayor Papaleo – Present	Chairman Caslin – Present
	Ryan Gibbons – Present	Councilman Glass - Present
	Eileen Boland - Present	Mr. Chinigo – Excused
	Mr. Gautier - Present	Mr. Salva - Present
	Michael Krey - Present	Ms. Levine - Present

ALSO PRESENT: Marina Brown, Esq., Mr. Depken (via Zoom), Robert Costa, Jessica Hall and Lisa Ciavarella (via ZOOM).

**APPROVAL OF MINUTES**

5/13/26 minutes were unavailable.

**MEMORIALIZATIONS**

Resolution for D’Alessandro is not available at this time.

**COMPLETENESS REVIEW**

Mr. Mrs. J. Malki  
473 Windsor Road  
Block 814, Lot 10

Addition and alterations to the Malki residence.

Marina Brown, Esq. stated that she reviewed the application, proofs and notice that was published and mailed and it was sufficient, so the Board has jurisdiction to hear this matter. Mr. Depken stated he has reviewed the documents and the application can move forward. Mr. Costa stated ditto on all of the above and the application can move forward. Motion on completeness made by Mr. Gibbons; Second – Mr. Krey. Roll Call – Mayor Papaleo – yes; Chairman Caslin – yes; Mr. Krey – yes; Ms. Boland – yes; Mr.

Gibbons – yes; Mr. Salva – yes; Mr. Gautier – yes; Councilman Glass – yes; Ms. Levine – yes. Motion passes.

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Christina Costanzo  
320 Lexington Drive  
Block 1106; Lot 26

Additions and site improvements

Marina Brown, Esq. stated that she reviewed the application, proofs and notice that was published and mailed and it was sufficient, so the Board has jurisdiction to hear this matter. Mr. Depken stated he has reviewed the documents and the application can move forward. Mr. Costa stated ditto on all of the above and the application can move forward. Motion on completeness made by Mr. Gibbons; Second – Mr. Salva. Roll Call – Mayor Papaleo – yes; Chairman Caslin – yes; Mr. Krey – yes; Ms. Boland – yes; Mr. Gibbons – yes; Mr. Salva – yes; Mr. Gautier – yes; Councilman Glass; Ms. Levine – yes. Motion passes.

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Sweetspot River Edge LLC  
75 Route 4 East  
Block 1415; Lot 1.01

Variance for square footage of the main and secondary signs to improve visibility from traffic.

Ms. Brown states that she has not reviewed the proofs for the public hearing because the public hearing will be scheduled at a later date. She believes the applicant did submit the proofs for the June 10th meeting, but they have yet to be reviewed and they are not reflective of completeness of the application. Mr. Depken deemed the application complete to be heard. Mr. Costa concurred with Mr. Depken. A Motion to deem the application complete is made by Mr. Gutier; Second – Ms. Boland. Roll Call – Mayor Papaleo – yes; Chairman Caslin – yes; Mr. Krey – yes; Ms. Boland – yes; Mr. Gibbons – yes; Mr. Salva – yes; Mr. Gautier – yes; Councilman Glass; Ms. Levine – yes. Motion passes.

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## **NEW BUSINESS**

Mr. Mrs. J. Malki  
473 Windsor Road  
Block 814, Lot 10

Addition and alterations to the Malki residence.

Ms. Brown swears in the applicants, James Malki and Charlene Malki 473 Windsor Road, River Edge, New Jersey. Ms. Brown swears in Mr. Bruno the applicant's architect, and he states that his license is in good standing. Mr. Bruno proceeds by handing out photographs he took of the applicant's property. The photographs are marked Exhibit A1 a photo exhibit prepared by Mr. Bruno consisting of seven photo sheets and a cover sheet. Photograph 1 is the east or front elevation of the subject residence. Photograph

2 east or front elevation view of the residence to the south of the subject property. Photograph 3 east or front elevation view of the residence to the north to the right of the subject property. Photograph 4 west or front elevation view of the residence across the street. Photograph 5 is the west or front elevation of residence to the south across from the subject property. Photograph 6 west or rear elevation view of the subject residence. Photograph 7 east or rear elevation view of the residence behind to the west.

He states the property is a typical River Edge Colonial. The proposal is to expand to the rear and the left side as you are looking at the house from the street to increase the first floor living space and the kitchen creating a mudroom and lavatory at the front of the house where the dining room is presently. The second floor is arranged with four bedrooms, three bathrooms plus a laundry room. The exterior architecture of the house is proposed to be of American traditional style with stone at the base, clapboard siding and also shake style siding. The variances that are required are as follows: front yard setback in the R1 zone is 30 feet, the existing is 31 feet and they are proposing 23.12 feet from the front lot line to the front edge of the covered porch at the main entrance. The existing vestibule is remaining. They are proposing a covered front portico. The total distance including the stairs is 4 feet 4 inches from the existing front wall at the entrance – the platform will be 3 feet 4 inches. The second variance is for building coverage 25% is permitted in the zone, they are at present at 19.83 and with the proposed expansion they will be at 30%. The applicants have an undersized lot of 6,000 sf with no ability to acquire adjacent land to make the property larger and closer conformity with the ordinance, which is a hardship in and of itself. The lot width requirement is 75 feet and the applicants are at 60. Mr. Bruno stated that it was important to note that they do have a setback variance – it's very slight despite the fact that the applicants have an undersized lot with respect to the required side yard setback which is 7.5 feet and they are at 7.02 feet at the back right corner – they are taking the existing line of the house on the northerly side and extending it so that is where the deficiency is. The lot coverage excluding yard amenities 30% is permitted, they are at 27.41% the applicants are proposing 40.96% and lot coverage including yard amenities 35% is permitted they are at 36.41% which is a pre-existing nonconforming condition and they are proposing 45.46%. Mr. Bruno stated that since he submitted the application, he has had discussions with the applicant's about reducing the impervious coverage. So, if they were to take the area of that back proposed new stair and platform – that's 62 sf and having open joints in the decking and pervious surface below they can reduce that to 16 sf from 62 and by doing permeable pavers for the rear patio they can reduce that from 240 sf to 120 sf. So, if you do that calculation, they can reduce the impervious coverage from 46% to 42.76% simply by changing the types of pavement back there. Mr. Bruno completes his testimony.

### **Questions and Comments from the Board and Professionals**

Mr. Depken stated that he did not get the information on the pervious coverage, so with that he said depending on what those calculations are, he will agree with Mr. Bruno. He had no further questions or comments. Mr. Costa inquired as to the applicant expanding the driveway from a one car to a two car – he stated what if the applicant's make that permeable also giving them an additional 287 sf. Mr. Bruno responded that the proposed driveway area is 574, so if they do the permeable pavers, they would be at half of that – taking that from the previous revised total 25.66% minus 287 that gives them 22.79% (which he stated for the record) divided by 6,000 is 37.98% and they bring the impervious coverage down to 37.98 instead of 42.76%. They go back and forth with numbers for a bit. After all the arithmetic the total is 22.79%. Ms. Brown asks if the pavers are going to be the entire driveway or just the part they are widening, to which Mr. Bruno stated the entire driveway. Mr. Krey had questions about the lot coverage amenities, to which Mr. Bruno stated that the stairs and platform are not intended as a deck, it is simply to allow passage from the interior of the home down to the patio. Mr. Krey thinks the Board is over

requiring amenity space. Councilman Glass explains that they are not talking about the 5% to be allotted to amenities, they are talking about the total lot coverage including amenities – that’s the 37.98% total lot coverage with the discounts for a deck and permeable pavers. Ms. Brown asks with the deductions in the pavers and open decking if that also brings down the lot coverage excluding yard amenities because isn’t the driveway included in that. Mr. Bruno stated it brings down both. He believes the driveway is excluded from the yard amenities. Ms. Brown requests that he find that number for the Board. Mr. Bruno proceeds going through the math. He comes up with 36.18 excluding yard amenities, and he believes the permitted is 30% excluding yard amenities – correct. To which Chairman Caslin responded yes. Mr. Bruno stated- with yard amenities they are at 38%. Mr. Costa gets clarity regarding the stairs going onto the patio.

Mayor Papaleo speaks regarding positive and negative criteria and that the applicants are looking for this variance because it is an undersized lot. Mr. Bruno states they have a hardship because of the undersized lot. He further states that they are taking an older home and bringing it in accordance with the neighborhood. He continues to speak about the improvements to be made. The applicants are trying to expand their home for their expanding family. The Mayor continues regarding the projects size and dimensions and states that the applicants are looking for a variance in front yard setback and they are going from 31 feet to 23 feet. Mr. Bruno states that they are proposing a covered front porch and a couple of risers. Mr. Bruno states that the benefits of the enhanced architecture far outweigh the numbers. They continue to discuss the vestibule of the home and the front porch. Mayor Papaleo goes through the numbers again as follows – building coverage is at 25% and they are going up 5% to 30%, lot coverage excluding yard amenities is 30% and the applicant is going up to 37% and lot coverage excluding yard amenities is 35% and they are going up to 38% that is only a 3% increase. Mr. Gibbons asked what was the distance from the actual edge of the house, forgetting the portico from the main part of the house to the street. Mr. Bruno states the main box you are looking at about 26 feet to the main box of the house. Ms. Boland clarifies that the applicant is not increasing the front yard other than the portico. She states that the survey states 31 feet for the existing home. Ms. Brown states it’s 26 feet to the vestibule but 31 feet was the existing front yard setback. Ms. Boland states that the front yard is conforming except for the portico. Chairman Caslin asks Mr. Bruno about the typography. Mr. Bruno states that the typography in the front is fairly level and flat, they will not be regarding, the grass area will be as it is now, the patio will continue to be level. Chairman Caslin inquiries as to storm water runoff. Mr. Bruno defers to the applicant. Mr. Malkin is speaking but he is inaudible as the microphone is away from him. Mr. Bruno states that they will be capturing the rainwater from the new roof areas to the tune of about 3 inches per hour which is the standard that they are to abide by. Mr. Costa asks if they can take the walkway from the sidewalk to the house and just have the one walkway. Mr. Bruno stated that would be difficult, especially with two cars parked there. Councilman Glass asked if the vestibule can be converted into the portico and then they do not have the issue with the setback. Mr. Bruno explains that one of the benefits of the vestibule is when you open the door you have a place to take off wet clothing before going in. Councilman Glass continues pressing to get rid of the vestibule. Ms. Brown asks that now that they are revising their variance request based on the permeable pavers and those reductions, the new total square footage, if this was a conforming lot area of 7,500, would the application be compliant? Mr. Bruno states that he could run the numbers, but he doesn’t think they would be here. Ms. Brown states it would just be for the front yard setback to which Mr. Bruno responded yes just the setback. Mr. Bruno goes through some numbers. Mr. Gibbons states that he doesn’t have an issue with the portico and he thinks it looks nice. He doesn’t see a need to remove what’s there. Mr. Depken states that the code gives a leeway of 6 feet if it’s a porch into the front yard so if they want to consider this comparable to a porch it gives you six feet. It will still be over by less than two feet, but it reduces it.

A motion is made to open to the public. Motion made by Mr. Gibbons; Second Mr. Gautier. All in favor aye.

Ms. Yakiry Malena Adal. 477 Windsor Road. She has concern not with the Malki's improving their home but with the cumulative impervious coverage, the plans include a recharge system, and the storm water calculations is sized to the 532 sf new roof area but the impervious coverage on the lot is increasing by a lot more than that. So, she just wanted to confirm that they will have an appropriate recharge system given the total of the impervious coverage. Mr. Costa responded – simple answer, yes. Mr. Bruno refers to the storm water chamber on the drawing to show the Board that they are addressing storm water management. Ms. Adal asks – and that storm water management will include the added driveway and walkway and all of that. Mr. Bruno responded in accordance with the ordinance. Mr. Costa goes through the numbers once again for clarity. Chairman Caslin confirms that Mr. Bruno's numbers and Mr. Costa's numbers are consistent. Motion to close to the public – So Made – Second - All in Favor.

Ms. Brown outlines the motion as follows – Variance for front yard setback of 23.12 feet; a variance for building coverage of 30%; an agreement to have open joints with pervious surface below the deck platform area in the rear and permeable patio, driveway and drive thereby reducing the lot coverage with yard amenities to 38% - Mr. Costa jumps in stating they started out at 31.2% and now they have to do the yard amenities – 31.2 includes the yard amenities -5% of the stair; 240 goes to 120; 16 plus 120 plus 18 = 154 divided by 6,000 equals 2.5% so the yard amenities comply total lot coverage with amenities. 33.7. Mr. Costa states for clarity that the setback is just for the enclosure, it will not allow them to bring the whole house to the 23 feet. He wants that in the Resolution. Ms. Brown states just clarify the front yard setback just to the portico 23.12; building coverage is still 30%; lot coverage with yard amenities is 33.7 and without 31.2. Councilman Glass speaks about a recent complaint from a resident regarding side yard setback. Ms. Brown continues with the motion stating otherwise comply with the Borough Engineer's recommendations regarding storm water management and the other comments in the report regarding setbacks pavement from the property line and things like that. Mr. Gibbons makes a motion for Block 814, Lot 10 to approve the variances and the stipulations set forth that Ms. Brown just read; Second – Mr. Gautier. Roll Call – Mayor Papaleo – yes; Chairman Caslin – yes; Mr. Krey – yes; Ms. Boland – yes; Mr. Gibbons – yes; Mr. Salva – yes; Mr. Gautier – yes; Councilman Glass – no (voting no because he believes one of the variances can be resolved); Ms. Levine – yes. Motion passes. Chairman Caslin asks Mr. Bruno to submit revised plans with all the correct numbers.

Chairman Caslin states that there will be a 10:30 p.m. curfew this evening.

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Christina Costanzo  
320 Lexington Drive  
Block 1106; Lot 26

Additions and site improvements to a single-family home

Ms. Brown swears in the applicant - Christina Costanzo, 320 Lexington Drive, River Edge, NJ. The applicant's professional is sworn in - Scott Bella, 65 Glenn Avenue, Glen Rock, NJ. He gives the Board his credentials and his license in New Jersey is in good standing. He gives the Board an overview of the project which is a rear yard one-story addition and a partial add-a-level on top of the dwelling. They are

not looking to do a full add-a level. The applicant is looking to do a front porch on the dwelling as well. It is a front porch that does not require a variance because they have the six-foot leeway. The applicant is asking for several variances as it relates to coverages as well as a rear yard setback. The rear yard setback is to the deck where the requirement is 25 feet, and they are at 19 feet to the deck and the second variance is the building coverage where 25% is the requirement and the applicant is asking for 32%. Lot coverage excluding yard amenities 30% is the requirement and the applicant is at 33.08% and lot coverage including yard amenities 35% is the requirement and the applicant is a 39.3%, but they are looking to change that with the pervious pavers. The idea the applicant has is that they will use the pervious coverage for the patio as well as the front walk and that will take the imperious coverage down from 39.3% to 37%. The applicant is asking for a C2 variance as it relates to positive criteria outweighing any detriments. The applicant believes that the positive criteria outweighs any detriments in that it's a residential home with similar roof lines as well as materials that will fall very nicely in the context of the block.

### **Questions and Comments from the Board and Professionals**

Mr. Depken asks if the applicant has considered the deck being redesigned to meet the rear yard setback. Mr. Bella testified that in order to comfortably fit a table out there so if it does comply it would be very narrow and not allow the applicant to get a decent size table and chairs out there and be able to walk around it. Mr. Depken asks if they are proposing to use permeable pavers for the hardscape, to which Mr. Bella responded - correct. Mr. Costa wants to go over the numbers slowly. Mr. Bella testifies that the patio is currently 280 sf being reduced down to 140 sf, the walkway is 83 sf, reduced down to 41.5, those percentages when added together add up to 2.3% which would reduce the 39.3% proposed down to 37% for the overall lot coverage with yard amenities. The walkway is included in the pervious, the driveway will remain the way it is it will be repaved. Mr. Costa inquiries about the sliding glass door when you walk out back there is a laundry room to the left and the sliding glass door where the table is and is that how they are lining up the deck. Mr. Bella states that is how they are going to come out onto the deck.

Ms. Boland wanted to know if there are additional concessions that can be made to the deck. Mr. Bella states that the deck is going to filter water through, and he believes they have already taken into consideration the 75% rule. Mr. Gibbons asked of there is a need to have a deck and a patio – like consider the deck and then they would have the space for the chairs. Mr. Bella defers the applicant. The applicant stated she can make the patio smaller but she does not want to put her grill on the deck. Mr. Gibbons states that if it is a patio they do not have the setback requirement, but you do not get as much credit. Mr. Costa asks the applicant why she wants a deck and a patio. The applicant responded to have more room to place things there and she does not want the grill on the deck. She states that they can make the patio smaller. Councilman Glass asks Mr. Costa if there is a way to make applicant aware of the discounts that are available, so they don't have to do all this math when they come before the Board. Mr. Costa states the issue is the architect has read the ordinance thinking by taking some credits and he thinks the Board is in a good mood tonight and he will take a little extra. Mr. Bella states that he will take responsibility for missing that. He did take out 5% for the deck but he did not see in the ordinance about the pervious. Councilman Glass states the deck will be 19 feet from their neighbor's border with their neighbor's backyard. He asks the professional to describe their neighbors' backyard. The applicant responded that she could not tell Councilman Glass that because there is a huge fence, so she does not know what is going on. Mr. Gautier asked if there was anything they could do to get closer to code. Mr. Bella stated that they could do a portion of the driveway with pervious pavers, but he would have differ with the applicant. Mr. Bella stated that they could also make the patio a little bit smaller in the back. Mr. Bella also states that they will be complying with the storm water that the Borough engineer has required.

Chairman Caslin asked if the architect could provide some testimony as to the typography of the lot and what currently exists there. Mr. Bella testifies that it is a relatively flat lot and they are not looking to change the typography by any means. The applicant testifies that they do not have any water issues. Councilman Glass asks if there are impermeable coverage beyond the footprint of the structure in the front yard that is not from the driveway. Mr. Bella states that it is an existing walkway which is being removed. They are putting a new one in its place and squaring it off. There being no one in the public a motion is made to close to the public by Ms. Boland; Second – Mr. Salva. All in favor – aye. Mr. Krey asks where they wound up with the deductions made because of the pervious coverage. Mr. Bella states the lot coverage including the yard amenities – they went from 39.3% down to 37.8%. That is with changing the patio to pervious, changing the front walk to pervious and not changing the drive or reducing the size of the patio. Mr. Krey states that 37 is a little heavy and suggests the applicant might want to do something about that. Mr. Costa states if you take the driveway the 396 – you take that out it comes to 34.4% which is below the 35% and then they do not need a variance. The applicant is just repaving the driveway. The applicant proposes because they have a very odd driveway the straight run that goes from the street to the garage door when they repave keep that and the portion to the left of the that and take it out and put in grass in there. Mr. Costa asks if the applicant is adding bedrooms, to which the applicant responded yes. He continues to state that the applicant will fall into RSIS and it probably will not meet the RSIS as far as parking. Mr. Bella states that they can make it 2% smaller, bringing it down from 37% to 35%. Ms. Brown states that if the coverage is going to be compliant 35%, they can choose how to divvy it up the reduction in pavement either narrow the driveway, take a little off the patio, whatever works to fit within that requirement or change the walkway, something like that. Then the Board would have to grant the waiver for the RSIS as well. The applicant is okay with taking that portion of the driveway off. Ms. Brown confirms the following: the rear yard setback variance of 19 feet; the building coverage variance of 32%; the lot coverage without yard amenities is going to be reduced slightly as well from 33% to 31% with the driveway reduction; the applicant will comply with the lot coverage with yard amenities at 35%. All those reductions will be from installing permeable pavers for the patio, the front walkway, eliminating a portion of the driveway and replacing it with grass or some other permeable surface, the deck, underneath the deck (they are already getting the discount) so there is not any permeable or impervious surfaces under there it's going to have open joints, the applicant will comply with the storm water requirements and the Borough engineer's recommendations. Mr. Krey makes the following Motion – that the Board approve the application for variance for 320 Lexington Drive, Block 1106; Lot 26 with the conditions previously stated by Ms. Brown; Second – Mr. Gautier. Roll Call – Mayor Papaleo – yes; Chairman Caslin; Mr. Krey; Ms. Boland; Mr. Gibbons; Councilman Glass- yes; Mr. Salva – yes; Mr. Gautier – yes; Ms. Levine – yes. Motion passes.

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At approximately 8:53 p.m. a motion is made to recess for five minutes - So made – Mr. Gibbons; Second - Mr. Krey. All in favor – aye.

Chairman Caslin calls the meeting back in session. Roll Call - Chairman Caslin; Mr. Krey; Ms. Boland; Mr. Gibbons; Mr. Salva; Mr. Gautier; Ms. Levine; Special Board Counsel Marc Leibman, Esq., Mr. Costa and Mr. Depken. The Mayor and Councilman Glass are excused from Pacific Outdoor Advertising, LLC application.

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Pacific Outdoor Advertising, LLC  
14 Route 4 West  
Block 1402, Lot 4

Application seeking preliminary and final minor site plan approval and various variances in connection with the installation and operation of a two-sided static billboard

Robert Falkenstern, Esq. of the Law Office of Stephen Sinisi, Esq. appearing on behalf of the applicant. He wanted to bring up an issue as to the last time they were before the Board that they submitted a letter dated March 12, 2026, regarding completeness and he just wanted to make sure that is made part of the record and if it can be marked as an Exhibit. Mr. Leibman stated that yes, it is part of the file Mr. Falkenstern also wanted to bring up that this application there was a prior application that the Board was aware that application is finished, the Resolution was issued and tonight will be the beginning of a separate new application and while there may be overlapping experts and testimony this property stands on its own. The plans, exhibits and review letters and testimony will be limited to just this proceeding, and the Board should not consider the prior application as any part of that.

Mr. Falkenstern continues his testimony stating that the property in question 14 Route 4 West, Block 1402, Lot 4 in the Borough of River Edge and the applicant seeks preliminary and final minor site plan approval together with necessary use, height and related bulk variance to permit a static doubled faced static billboard on a single monopole along the Rt. 4 corridor. The proposed static is not a digital sign. It is 60 feet in height with two 10 ½ x 30 six-foot sign faces each of 378 sf for a total sign area of 756. The sign faces Rt. 4 rather than the residential properties to the north. The applicant recognizes that the ordinance does not provide a zone in which a billboard can be located as a permitted use, therefore there is no location which this type of advertising can be undertaken in the Borough without seeking a use variance before this Board and that is why the applicant is here this evening. Mr. Falkenstern further states that because there is no specific ordinance allowing it there are no bulk standards for this and the related height and setback relief must be understood in that context as the applicant is seeking the necessary use variance, height variance and related bulk relief so the Board can evaluate the specific structure on this Rt. 4 corridor rather than treating the absence of the billboard's specific standards as automatic basis for denial. The fact that the ordinance does not provide for a location does not end the analysis and that is why the variance process exists, and the Board's task is to consider whether this particular site at this Rt 4 corridor will satisfy the statutory criteria for the requested relief. He further states that he feels the testimony of the evidence on the record will provide for that proof. The applicant will provide testimony from an engineer and planner in support of this application. The engineer will address the revised plans and technical review comments. The planner will address the variance relief including site suitability, the positive and negative criteria and the relationship of the proposed use to the Rt. 4 corridor. The applicant has been advised that the Board's planner will not be present this evening, so the applicant told their planner not to come this evening, and they will just have the testimony of their engineer this evening. Mr. Costa asked if this was a new application. Mr. Leibman explained that Mr. Falkenberg was trying to demarcate between this application and the application that was denied previously. This is a brand new application. Mr. Leibman advises that nothing from the other application should be considered. Mr. Costa asks if the previous submittals were deemed complete. Mr. Falkenstern states that the last meeting they were deemed incomplete and they submitted the letter and they are now deemed complete and he just wanted that on the record. Mr. Costa asked when does the time toll to. Mr. Leibman stated that he would have to go through all the correspondence and Mr. Falkenstern stated that they agreed to carry it until this evening and they will carry it to the next meeting. Mr. Leibman stated that he is not worried about an automatic approval.

Mr. Leibman swears in the applicant's engineer. William Vogt, business is L2A Land Design located at 66 Grand Avenue, 2<sup>nd</sup> Floor, Englewood, New Jersey. Mr. Vogt is the civil engineer on the project. He gives his credentials and his license is in good standing. He has testified previously before this Board. Mr. Vogt speaks about a property survey which is entitled Typographic Survey of the property prepared by William Vogt of Lakeland Surveying consisting of one sheet dated April 9, 2026. Mr. Vogt has physically inspected the property several times. Mr. Vogt goes through the basic elements of the proposed billboard. Mr. Vogt refers to the site plans as a three-page set labeled as C-01 through C-03 Revision two dated 4/22/26. He prepared the plans. These plans have not been modified. The property is located at 14 Route 4 West, Block 1402, Lot 4 found on tax map 14 and they are in the C1 commercial neighborhood business zone. Mr. Vogt shows an aerial photograph that he will label A1. This is an aerial image of the area and the subject property. He highlighted the property in red. It is a corner lot. To the right of the page is north, Rt 4 is to the South. Rt. 4 traverses east and west. The proposed site is on the northerly side west bound portion of Rt 4 at the intersection of Lakeview Street. It is 6,995 sf about 1.6 acres – it is an irregular shaped property, triangular in nature. There is an existing two-story commercial building with a single driveway roughly 12 to 15 feet in width on the northerly side against the residential neighbor which leads to a parking area. In that building there are two commercial uses – an architect and an astrology business. They are not impacting any of the site circulation by the placement of the billboard foundation on the property. He continues reiterating the parking, which they spoke about at their completeness process wherein there was a portion of the property that the owner was utilizing as their parking area that was not a part of their property, it was part of the DOT right-of-way. They did an updated title search and there are no easements granting the property owner use of that small portion of the property that is in the DOT right-of-way so, taking that into consideration the applicant updated the survey based on the new title report which slightly amended the property boundary along Rt 4 – there was a newer map in the title search that showed a different radius along the property line that's shared with Rt. 4 so they calculated that into the updated survey. This relatively reduces the size of the property by 37sf. Mr. Vogt shares another Exhibit which he labels A2 with the Board which is a color rendering of the site plan C-02 it has the same date revision dated 4/22/26. The only difference between this sheet and the sheet submitted with the application is that they added color to it for testimony purposes. Rt 4 is on the southern side of the property it travels in the east and west bound direction, the applicant being on the west bound portion of Rt. 4. The portion of the DOT right-of-way that Mr. Vogt spoke about before is the small portion just to the west in the rear of the building that was paved and it was being utilized as parking. Mr. Vogt will present to the Board some improvements made to that area which he will speak about later. The proposed application is for a proposed static billboard. It will be two-sided, the panels on both sides of the sign will be 10 ½ feet tall by 36 feet in width and the total height of the sign above the ground is 60 feet. It is supported by a single foundation and monopole, the structure itself, when you see it vertically it looks like a flag. It has a 25-foot V separation at the back, the setbacks as far as he location of the proposed sign – Mr. Vogt pushed it as close to the Rt. 4 right-of-way as possible, he put the foundation just out of the parking area, there is a small grass landscaped area which is between the existing parking area and Rt. 4, they protected it with concrete filled steel bollards from the parking area and then the super structure of the sign sits above the parking area. The sign does not cantilever over the existing building; however, it does cantilever over the existing parking area. For their bulk table he states the permitted height in the zone is 30 feet and the applicant is proposing 60 feet for the proposed billboard. The front yard setback is also 30 feet in the zone, and they are at 2.28 feet and that is measured to the closest vertical piece of the sign face to the front property line along Rt. 4. There is no side yard setback so it's not applicable. Rear yard setback is permitted 20 feet and they are at 9.37 feet and again the rear property is the northern property line where they are adjacent to residential uses and that is where the applicant 9.37. As to parking on the site, Mr. Vogt states that he pulled out the property card from the

tax assessor's office the building has a total gross square footage of 1,612 sf. Tenant number 1, the architect occupies 562 sf and the astrology tenant occupies the remainder, which is 1,06 sf. He states that when you use that and calculate the required parking for office business and professional uses, it is one for every 250 sf of gross floor area, which comes out to 6.45 spaces are required and he rounded it up to 7 per the borough's ordinance. What Mr. Vogt is showing in the proposed application is six parking spaces including one ADA stall and one compact stall. The compact stall, the Borough's ordinance, does not allow for compact spaces so that is a variance. Mr. Vogt was able to get six spaces on the subject property including the compact space. He states that he is quite loaded to the drive isle as he does not have the 24 feet for the totality of the parking area but he does have 20.45 which is the narrowest of the width of the drive isle. He continues to explain the parking dichotomy. They are asking for a parking variance, where seven is required and they are providing six with some dimensional variances. The tenants have a very low usage of the parking. The architect is the owner of the building; he is the occupant of this business and has no business hours during the day. The astrologist has off business hours to accommodate her clients usually in the morning before the customers go to work or when they are done with work they come after hours, so there really is a separation of the tenant uses of the parking lot. Rarely are the tenants there at the same time. He continues speaking about parking and ends with the fact that the parking is sufficient from the current use of the building. The billboard does not require parking. Mr. Vogt refers back to the site plan. He goes to the elevation giving the Board a prospective of the sign itself. He goes through all the figures again with respect to the size of the billboard. He testifies that the billboard has a vinyl copy which is changed out every month if not more depending upon the leases they have. He explains the leasing process to the Board. The sign face is illuminated with three exterior LED light fixtures. They have provided some photometrics of the spillage off to the side. He explains that the lights are capable of dimming so they can dim them down to 40% output, so what Mr. Vogt did was to calculate the light level would be at the property lines assuming that it would come down to the 40% - at the rear of the property where they are adjacent to the residential the billboard is 10.84 feet in distance. With the light dimming reduction they would be at 1.6-foot candles at an elevation of 77.5 feet. The ground elevation below that is approximately 25.5 and at approximately 50 feet in the air is where the reading of 1.6 came from. He testifies that the light as you drop down below the sign to elevation 67.5 roughly 12 feet under then his prior reading he is at .1-foot candles and anything lower than that level basically gets to zero. He explains that, that light reading is higher than the peaks of both the roof on the subject property and the adjacent residential use. He testifies that the applicant is closer to the property line on Rt. 4 so it's more challenging to get the light into compliance. Assuming the 40% reduction the light level is 6.6 footcandles. The lights are also capable of having shields (house side shield) which will help reduce the light even less at the property lines especially towards the residential. He testifies that by leaving the 1 footcandle at the property line with the shields he would have a much better opportunity to meet the 1 footcandle by implementing those shields. Mr. Vogt's other suggestion was that he could look at possibly reducing the number of lights on sign face to two instead of three and see what that does to the numbers. That could very well reduce the setback or the lighting to the residential to the rear to be at 1 foot candle without having the shields, but he does think it helps in the front yard. So, they still need to ask for the variance for the lighting, but it would be only for the front yard requirement. If the Board wants the shield Mr. Falkenstern asks if the applicant would agree to that as a condition of approval, to which Mr. Vogt stated yes. Mr. Vogt said he could speak with the manufacturer and see if they can implement that shielding what it would do as far as lighting so they can present that when they come back before the Board with their planner and if they have the information at that time and then he can present it. He finishes stating that was the application in a nutshell.

Mr. Falkenstern asks Mr. Vogt if he reviewed the municipal review (then he went right into next question) he stated that Mr. Vogt had in front of him Board engineer's report dated May 15, 2026 with respect to

item 2 wherein a title report was filed with the Board which reflects a covenant of record in Deed Book 1194, Page 466. Mr. Vogt states that it is listed on the title report. Mr. Falkenstern asked Mr. Vogt if he thought that restriction would have any bearing on this, to which Mr. Vogt stated no. Mr. Falkenstern continues with respect to item 9 was a traffic study ever conducted. Mr. Vogt stated that there was no traffic professional on this property. He provided testimony regarding the use of the building and the adequacy of the proposed parking. Mr. Falkenstern asks Mr. Vogt if he believed that service vehicles would be able to operate on site without adversely affecting internal traffic circulation. Mr. Vogt testifies tht there is no negative impact that he is aware of in his discussion with deliveries. Mr. Falkenstern asks Mr. Vogt if he had a structural collapse analysis in the event of a failure to which Mr. Vogt stated tht they did not have that. Mr. Falkenstern asked Mr. Vogt – in his experience in appearing before municipal land use Boards, if he ever has been asked to produce such a study related to a billboard, to which Mr. Vogt responded, only at this Board on their prior application. Mr. Falkenstern asks if that is something he finds A typical, to which Mr. Vogt testified that he found it typical. Mr. Falkenstern asks Mr. Vogt if he was aware of any other ordinance site plan check list or redevelopment regulations that requires a collapsed radius analysis, to which Mr. Vogt responded – not that he is aware of. Mr. Falkenstern asks Mr. Vogt that from his engineering experience, does the mere fact that a free-standing structure located over a parking area automatically required a collapsed radius analysis, to which Mr. Vogt responds – not to his knowledge, no. Mr. Falkenstern asks if any other structures such as vertical structures such as light poles, free standing signs, canopies, utility structures are commonly located near parking areas, to which Mr. Vogt responds - absolutely. Mr. Falkenstern asks Mr. Vogt if he typically provides analysis reports for all of those structures, to which Mr. Vogt responded – he does not. Mr. Falkenstern asks Mr. Vogt if the billboard will be required to comply with applicable building codes and structural engineering standards, to which Mr. Vogt responded – yes it will all of the New Jersey Building Code regulations and all of the UCC applicable documents will be submitted. The applicant typically does a soil boring after approval which they will use to identify the types of soils and the type of foundation that they will utilize for the Board. Mr. Falkenstern asks if the final foundation and structural design be reviewed during the construction permit process before the billboard can be built. Mr. Vogt responds – yes there will be a full set of all plans and calculations that are submitted to the borough building subcode official for review. Mr. Falkenstern asks if the Board where to grant the requested approval, the applicant could not construct the billboard without the final structure design that satisfied the appliable code and permit requirements. Mr. Vogt responded – that’s correct. Mr. Falkenstern asks Mr. Vogt that based upon his review if he saw anything unusual about this proposed billboard that may require special analysis beyond the normal structure design and permitting the process to which Mr. Vogt responds -no that this is a fairly typical setup for a billboard structure. Mr. Falkenstern asks Mr. Vogt in his professional opinion when designed and constructed within the accordance with the applicable codes and standards, will the proposed billboard be structurally sound and safe to which Mr. Vogt stated it will. Mr. Falkenstern further asks Mr. Vogt if he has built and designed billboards built over a parking lot before to which he responded yes. He asks if they have been built to which Mr. Vogt responded yes and he had no safety concern regarding same Mr. Falkenstern then asked about item 12 the Board engineer asks whether protective measures are needed to prevent ice, snow or debris from falling into pedestrian areas of the parking lot so, Mr. Falkenstern asks Mr. Vogt from an engineering point of view is the proposed billboard structure comparable to a building roof, canopy or any other structure with broad horizontal services where snow or ice would typically accumulate. Mr. Vogt responded no its typically generally the opposite most of the features and vertical and there are catwalks that are associated with the technicians changing copy but those are graded slats, very thin where ice and snow cannot build up on, Mr. Vogt stated that he has not in all of his billboard experience made any modifications to any structure for snow and ice. Mr. Falkenstern asks with respect to item 13 if approved will the applicant provide spikes or screens or other such devices to prevent (inaudible) or nesting on the billboard and how would the applicant stop the

nesting. Mr. Vogt responds that they will be at the site once a month he would suggest writing that in this agreement that when the technician is there that they would inspect for any nests and they would have them removed. Mr. Falkenstern asks if the applicant would agree to that as a condition of approval. Mr. Vogt responds yes and that he thinks that is the most logical solution since they cannot use spikes or netting which he agrees they would be problematic to the technicians changing copy. Mr. Falkenstern asks with respect to Item 14, are there any negative visual impacts to the residential properties. Mr. Vogt responds that they orientated the signs so that they will face the traveling public on Rt. 4 to whom they are advertising to. The residential property is to the north of us, if they have the ability to see the sign, they will see the back side or the V of the sign directly behind them. Mr. Falkenstern asks Mr. Vogt if he designed the billboard for that reason, to which he responded, correct. Mr. Falkenstern asks with regard to Item 15 the Board engineer asked if a shadow study was prepared, was one prepared. Mr. Vogt states that they did not prepare one. Mr. Falkenstern asks from a typical engineering perspective are shadow studies typically prepared at the site plan and variance stage for a free-standing billboard structure. Mr. Vogt responds that he has not done one for a billboard but he has seen architects do them for buildings over a certain height. Mr. Falkenstern asks if this billboard would have the same type of footprint that would generate the need for a shadow study. Mr. Vogt stated that he did not believe so. He further stated that if a shadow study is something required it is something the applicant may look into. Mr. Falkenstern asks that with respect to Item 16 is the proposed billboard located at least 300 feet from any billboard on the east bound side of Rt. 4. Mr. Vogt responds that there is an existing sign that he believes is in Paramus that is just over 300-foot linear distance on the east bound side of Rt. 4 so on the opposite side of the roadway. Mr. Falkenstern asked if that was a consideration from the NJDOT in issuing a permit. Mr. Vogt responded no - it's on the other side. They only consider signs that are on the same side of the travel way. The applicant did obtain a permit for the billboard. Mr. Falkenstern asks if the applicant will renew its permit, to which Mr. Vogt stated that they renew them every year. Mr. Vogt states that the distances are measured on the same side of the roadway so from static to static 300 linear feet is the minimum. From a static to a digital it's also 300 linear feet but from a digital to a digital it's 3,000 linear feet. Mr. Falkenstern asks with respect to Item 16 if Mr. Vogt could briefly describe the construction methodology for the billboard. Mr. Vogt states that after approvals the applicant will have a soil boring conducted and that will give them the makeup of the subsurface soils that the structural engineer will use to design the foundation. Typically the monopole is a four- or five-foot diameter steel cylindrical column. They auger a hole in the ground typically for a sign that is 60 foot tall they will probably be in the neighborhood roughly 40 to 50 percent of its height in the ground and that hole is augered roughly a foot larger in diameter than the diameter of the monopole and then the shaft of the monopole steel structure is lowered into that hole and the filled with concrete. Mr. Falkenstern asks Mr. Vogt to go through the typical maintenance of a billboard. Mr. Vogt testifies that the technicians go to the site at least once a month to change copy. There are typically two technicians that show up. They climb the structure they scale the sign, get to the top of the sign and then they would unbuckle the existing vinyl copy, they fold and take that down and then they replicate that with the new copy and attach it in the same fashion. They usually arrive by a small pick-up truck. Mr. Falkenstern asks Mr. Vogt if he knows how the current owner handles garbage and recycling, to which Mr. Vogt responded that he believed they have a third-party waste hauler. There is no refuse as part of this sign application. All the copy is taken away by the technician, recycled or reused. Mr. Falkenstern asks Mr. Vogt if he has ever encountered a safety issue with a billboard structure, to which Mr. Vogt responded he has not. Mr. Falkenstern asks Mr. Vogt – based on his engineering review does the proposed billboard location present any unusual material safety concerns, to which Mr. Vogt stated not to his knowledge. Mr. Falkenstern asks if the proposed billboard generates any vehicular traffic parking demand or operational activity associated with its use, to which Mr. Vogt responded other than the technicians coming to the site to change the copy – no. At the minimum they come out four times a year to inspect the structure. He explains how DOT also drives around checking

on billboards. Mr. Falkenstern asks if the proposed billboard creates any operational impacts on the surrounding properties or surrounding roadways, to which Mr. Vogt responds – no. Mr. Falkenstern asks Mr. Vogt if he believes from a engineering & site plan inspection if the billboard creates any substantial impact to site circulation, parking, drainage, traffic safety or light on the neighboring properties, to which Mr. Vogt responds – no, not to his knowledge. Mr. Falkenstern asks Mr. Vogt – subject to the conditions and any technical revisions required by the Board and/or its professionals can the site plan be finalized in substantial compliance engineering and site plan requirements, to which Mr. Vogt responds, – yes but he believed there were a few comments made that he believes they can address adequately. He stated just the lighting he does not think he would be able to meet the requirement at the front yard to the highway side. Mr. Falkenstern did not have any further questions for Mr. Vogt.

### **Questions and Comments from the Board & Professionals**

Mr. Leibman swears in Mr. Costa. Mr. Costa starts with the parking. He states that the existing parking encroaches now and that being on the record, he wants to know what they are doing about the existing paving that encroaches. Mr. Vogt states that he was not going to touch it as it's not on their property. They were going to leave it and stipe around it and put parking bumpers to delineate the property line. Mr. Costa states – the plan is going to show the encroachment and the applicant wants the Board to vote on the plan allowing the encroachment to continue. Mr. Costa does not think they can do that. Further he states, that if they take the car stops – the bumpers and you move them and you are modifying the parking why would they not put curbing as required under the ordinance. He asks if the applicant is seeking relief for that, to which Mr. Vogt responds that there is no curbing out there now. He further testifies that if you look at the existing grading it looks like that parking area (inaudible) flows from the center, out to both sides, there are no drains on the property, so if he did put up curbing (inaudible) Mr. Costa states that if he puts curbing in, that is required by the ordinance they have to put in drainage to manage that storm water. So, if they are improving the parking lot, restriping it, removing some of the parking spaces aren't they seeking relief for that. Mr. Vogt states that they are going to seek relief. Mr. Leibman asks what is the ordinance that requires the curbing? Mr. Costa states it under the site plan ordinance under the zoning ordinance as well. Mr. Vogt does not think that the applicant or the property owner has any issue with removing the asphalt he would just need permission from the DOT to go onto their property. He said he can certainly do that if it helps with the bearings with the waiver relief of the permit and then he probably would not need the bumper blocks as well. Mr. Costa speaks about traffic circulation – he states Mr. Vogt stated that the billboard would not have any effect on the traffic circulation whatsoever, he asks Mr. Vogt to demonstrate how a car would maneuver in the parking lot under the proposed parking lot. Mr. Vogt goes through how a vehicle would maneuver through the parking lot. Mr. Costa states that the construction of the billboard is causing the modification of the parking, they do not meet the backup distance under the ordinance required for ninety-degree parking – how would one maneuver. Mr. Vogt states that the parking stalls, the narrowest is 20.45 feet, so yes, it is substandard. He stated that he could eliminate the compact space, it seems like it is not permitted, it's a very undersized space and he could stripe that entire spot and just have five spaces on site and he could use that as a turnaround area so a car can use that as a "K" turn. That would be his solution if there wasn't enough evidence to grant the (Mr. Costa cuts him off) by saying that was not what he asked. Mr. Vogt and Mr. Costa engage in a disagreement as to the question. Mr. Vogt again states that the traffic circulation on site is existing as it is today, all they are doing is restriping. They park in this fashion. Mr. Costa disagrees stating that a portion of it is on someone else's property. Mr. Costa continues that right now the proposal to build the billboard requires the modification of the parking lot which is used by other tenancies that are on the property. Mr. Falkenstern corrected him stating that Mr. Vogt meant the circulation on Rt. 4, around the side street but what he wants to know is how does the traffic on site impact. Mr. Vogt responded that the

foundation is not located in any existing asphalt areas that are utilized by the existing parking or circulation on the site. He further states that regardless of whether he puts the pole in the ground the circulation on the property is the circulation on the property. He states he is not impacting that. Mr. Costa counters with – you are changing it to which Mr. Vogt responded he’s changing it because they are not the landowner who was utilizing it as a portion of the property that he was not allowed to use. Mr. Costa counters that he understands that but now they are modifying the parking lot. Mr. Costa continues that the reason they are modifying it is because he is proposing to construct a billboard on this particular site. So, by modifying the parking, that you have existing tenancies on your impacting the traffic circulation on site because of our proposal, they don’t meet the backup requirements, and you did not answer the questions. Mr. Vogt responded – with all due respect, I did answer your question -the billboard has no impact on the site circulation. Mr. Costa and Mr. Vogt go back and forth for a while regarding this parking issue. Mr. Vogt stated that this is the most adequate parking that he can physically fit on the site itself. He further stated that he was trying to accommodate Mr. Costa’s question for turn around his suggestion would be to eliminate and go to only five spaces – Mr. Costa interjects by stating that he never asked Mr. Vogt to accommodate him – what he asks was if he could explain to the Board how the on-site traffic circulation works – Mr. Vogt stated that he was going to remove the compact space. Mr. Costa further stated that he didn’t say remove the compact space just explain to the Board how it works. Mr. Vogt stated that the way he proposed it he did need additional room on the outside of the two spaces that are the most problematic he believed that was what Mr. Costa’s letter was stating so he needed the additional room between those parking spaces and the property line for those cars to have a little bit more room to swing out. He further states that engineering wise based on the utilization of the property by the tenants, that he could (just a suggestion) remove that compact space. It was his suggestion to further help the traffic circulation because he is asking for relief on the width of the access isle. Mr. Costa states it is not the access isle it’s the backup distance. Mr. Costa asks Mr. Vogt how many billboard applications he has done to which Mr. Vogt stated probably sixty. Mr. Costa asks what Mr. Vogt actually does i.e. build, design, construct etc. billboards to which Mr. Vogt stated they prepare the site plans, they stay on for construction support should there be any modifications that need to be done, there is a structural engineer who does all the structural calculations, there is a driller and there is a general contractor. He never testified that they build anything. Mr. Costa asks just for clarity if Mr. Vogt ever built a billboard, designed a billboard or structurally done any of the above to which Mr. Vogt responded no. Mr. Costa completes his questioning.

Mr. Depken asks what percentage of the application is the billboards located in a parking lot.

Mr. Vogt responded that he did not know what percentage generally in or close to the parking areas that is usually where they have the most space and they typically like to keep them as close to the roadways as possible so it’s typically in the parking areas. He does not have a number off-hand, but he would say it’s more than 50%. Mr. Depken asked what percentage of the application structures are adjacent to residential properties. Mr. Vogt responded that they do run into that on occasion especially along these DOT corridors where the uses or the zones directly behind that highway corridor is either residential use or a residentially zoned property and he would say again more than 50%. He continues that it is very rare that he does not have residential zones or uses that are directly adjacent behind that commercial corridor. Mr. Depken asks Mr. Vogt if he ever did evaluations with regard to failures structural failures close to a residential home to which Mr. Vogt responded no it has never been required in his experience at the Planning or Zoning Board levels and he does not recall having any of the permitted ones under construction that were asked for that other than the structural calculations. Mr. Depken asks with regard to the residential properties as to shading and light if he ever did an evaluation on that. Mr. Vogt responded for the lighting yes, they did present the lighting and they typically show that on all of their applications. The shadow study no. They run into that when they are building a large building and the

architect typically prepares a shadow study to see how that impacts neighboring properties because of the mass of the building. He does not think that the applicant would have an issue if that were a condition of approval to show the shadow study, he thinks they would be amenable to that request. Mr. Depken stated that he believed Mr. Vogt stated previously that he did not think there was an issue with the shadow on a residential property, to which Mr. Vogt responded he doesn't because once again they are running with Rt. 4 which is east and west and the sun rises in the east and falls in the west so he believes the shadow would be either on the property or just into the roadway and to the north is where the residential properties are. Mr. Depken asked about the evaluation that he did on the use of the structure, to which Mr. Vogt responded that he did not understand the question. Mr. Depken asks Mr. Vogt if he did an evaluation on the building, the existing building to which Mr. Vogt responded, yes. Mr. Leibman advises Mr. Depken if he is going to make statements and not just ask questions, he needs to be sworn in, Mr. Leibman swears in Mr. Depken. For the record Mr. Depken is the zoning officer in River Edge. Mr. Depken states that the Board had asked him to do an evaluation of the use in the building he was not sure if the Board was presented with the photographs that he had taken and if the Board would like him to go through his findings. Chairman Caslin responded no not at this time. Mr. Costa asked how Mr. Vogt would do a follow up on a shadow study as a condition of approval – what would that mean. Mr. Costa stated that the shadows change with the seasons, so they move around. Mr. Vogt responded that they are coming back for planning testimony and he can talk to the applicant to see if they can – Mr. Costa again asks what he meant by condition of approval. Mr. Vogt responded that he used a poor choice of words.

Mr. Gautier addresses Mr. Vogt's testimony regarding most of the billboards he has been involved with have been close to parking lots. He asks if those parking lots had the same non-conforming parking lots that had issues with cars backing up and proper room etc. Mr. Vogt responded that this is a unique site in the fact that regardless of whether or not he builds anything here or if anything is constructed here the onsite parking was not conforming. Mr. Gautier asks if the other parking lots were conforming to which Mr. Vogt stated that the majority of the other projects that he has done the properties are larger, so they are not in this unique situation. Mr. Gautier asks Mr. Vogt what he sees as the negative impacts on the neighboring residential property. Mr. Vogt responds that the applicant's planner will give extensive testimony on the relief tht they are seeking and he believes that question would be better answered by that professional.

Mr. Krey asks Mr. Vogt to indicate where the residential houses are in relation to the billboard. Mr. Vogt refers to Exhibit A2 he states that the proposed sign is the V shape at the top of the property, this sign to the rear yard which is to the north is 9.37 feet and then the adjacent residential structure that is on Lot 3.02 is 11.93 feet from that shared property line, roughly 20 feet. Mr. Vogt shows Mr. Krey Exhibit A1 the first home that's roughly 20 feet from the sign and then you have similar size lots that are along Lakeview Street. Mr. Vogt goes back to the site plan wherein Mr. Krey points out what the neighboring homes will see, which is the structure elements of the sign, and he asks Mr. Vogt if he doesn't see that as a negative impact on the visual environment for those houses, to which Mr. Vogt responded the planner will be better to discuss this with the Board. Mr. Krey asks Mr. Vogt if it is his opinion that this site is uniquely set up for this use. Mr. Vogt responded from strictly an engineering standpoint they are asking for variances but physically he can fit a sign on the site. They have a DOT permit which allows them to come before the Board. The DOT permit typically will allow a much larger sign, so they accommodated a smaller sign on his property based on the size restraints of the property.

Mr. Gibbons speaks regarding the shadowing issue. He states that he is looking at Google Maps and he sees a shadow from the trees bordering the property and the residential properties and those trees are causing a large shadow in those people's backyards. So, if you were to put a large 10 x 36 structure in a

similar area as those trees, he has to imagine that there will be a large shadow over their house. He further states, you can say which way the sun goes but it is very clear there are shadows going from the left side of Mr. Vogt's picture to the right side of his picture. So, Mr. Gibbons can't see by putting a very large two-sided billboard is not going to cause more shadow than that. Mr. Vogt responded that he understood Mr. Gibbons concerns and he can certainly speak with the applicant and they will be coming back if he can prepare that as an exhibit, they will be happy to do that. Mr. Gibbons asked for clarification as to the distance between the edge of the billboard and the edge of the residential home is 20 feet, he asks if that is accurate. Mr. Gibbons states that the setback should be 20 feet, to which Mr. Vogt responded yes – for the rear yard he agrees with Mr. Gibbons it should be 20 feet and he's at 9.37. Mr. Gibbons states that they have those setbacks in place to keep structures from structures – to have the structures further away from each other. So now the applicant is looking to put a large billboard next to two people who are going to have this large structure basically in their backyard. That's a big concern and as Mr. Krey stated they are looking at the back end of this structure. Mr. Gibbons states that he cannot see how this benefits property on Lakeview Street at all and he sees it as a severe detriment to their property value and them in their backyard looking at the backside of his sign. Mr. Vogt states that he understands Mr. Gibbons concern but again this might be better for the planner to discuss. Mr. Gibbons asks what variances they are actually asking for – he knows it's the setback just mentioned. There is a height variance, a use variance, front yard setback variance, rear yard setback variance and then there are several variances that are associated with the parking.

Ms. Boland goes back to the parking issue. She states that Mr. Vogt gave a lot of testimony regarding the parking before anyone even brought it up. She continues stating that he provided six spaces, but they really cannot maneuver. Then the subject of maneuvering comes up, and it is cut down to five. Mr. Vogt responds that the way he has it laid out he did provide some additional room with the striping. He thinks the two spaces that are the most difficult are the two head in spaces to the west of the property because when you are in the space when you back put that would probably be uncomfortable if someone is parked in that compact space. He states that is why he left some additional room – 3 feet on both sides roughly for those cars to maneuver. He further states that looking at the Board's engineer comments he was aware that it was going to be a topic that they would be speaking about those parking spaces. He knows that the relief he is asking for regarding the compact space is probably a reach so he thinks his solution would be to remove that and make that an area where we can utilize as turn around. Ms. Boland clarifies that it is five spaces to which Mr. Vogt responds that the five spaces is more realistic. Mr. Boland goes on to ask Mr. Vogt about his previous testimony wherein he stated he could do as far as lighting, you could do shields, you could reduce the number of lights – Ms. Boland states he states he could do a lot and she says please do, because as much as we can reduce impact the Board would like that. She thinks it is a good idea to reduce the lights as much as they can and provide shields. Mr. Vogt responded that he could certainly speak with the manufacturer about a two-light scenario. He further states that again, he does not think he is ever going to meet the Board's one foot candle at that property. Ms. Boland states as much as it can be reduced the impact it should be done. Mr. Vogt responded that was an easy ask for him to show that to the Board when he comes back. Ms. Boland continues that she feels the shadow study is very important to show the Board. Mr. Vogt responded that he will speak with the applicant and express her concerns. Ms. Boland asks if any utilities are impacted by the depth of the footing for the pole. Mr. Vogt responded that they do ground penetrating radar, they have a third-party that goes out to the site – it is a requirement before they do any drilling even before they do the soil test, they have to have a mark out done of the area for any utilities. He states none are popping up right now. He will check to see if they did a mark out.

Ms. Levine asks if the lights will be on all night. Mr. Vogt responds that the application is for all day but

6 to 6 roughly, depending on the time of year in the winter they would turn on earlier, there would be a photocell associated with the lights. Ms. Levine also stated that the shadow study was her other concern.

Chairman Caslin asks about the location of the bollards. Mr. Vogt response on the parking lot side/north side of the monopole foundation he has three bollards protecting that side of the structure. He thinks Mr. Costa's letter speaks about adding additional bollards around the entirety of that and he would not have an issue with that, they have done that in the past. Chairman Caslin asks given the proximity of the right of way does the DOT require any additional safety measures on top of the bollards that Mr. Costa suggested. Mr. Vogt responded that they do not. Chairman Caslin asks if the positioning of the billboard and the proximity of the building from a light safety perspective, does that present any heightened risk of rendering fire safety/protection to the building on the subject property or the adjacent property – what he is driving at is can they get an aerial truck in there to provide fire protection for both properties. Mr. Vogt responds sure whether or not he is building a 60-foot double sided billboard on the property – god forbid if there was a fire at this property in his opinion a fire truck would not enter into the property, it's too narrow for them to do that to risk either life or machinery, they would fight the fire from one or two of the right of ways. If they had to, they could even come down to the adjacent dead end just to the west. Mr. Costa states if you go on Google Earth the adjacent property has solar panels – he wanted to know if that would impact any of the adjacent homes if they wanted to put solar and he asked Mr. Vogt to look into that. Mr. Vogt responded – understood. Mr. Costa continues with a follow-up regarding the fire truck and it being too narrow to get back. He asks for the Board's edification what is the width of the driveway, 12 feet? Mr. Vogt responded just over 12 foot in width. Mr. Costa asks if he knew what was required for two-way circulation for the parking lot. Mr. Vogt responded that he did not have the ordinance in front of him, but he assumes it is wider than 12 feet. Chairman Caslin states that the solar panels do face the direction of the subject property which would tell him that the sun is coming from that direction. Mr. Gibbons states that it is on the side of the house closest to the subject property, it's not the house next to it - the solar panels are on the side of the roof that is closer to the subject property which tells him the sun is coming from the Rt. 4 direction. Mr. Gibbons states the panels are on the front and on the side facing Lakeview and if you were looking at their house it would be to the left of their house so that telling him that the sun is coming from that side, Mr. Vogt states that he would have to agree with him.

Meeting has ended and Mr. Leibman asks to pick a night to continue the application. Mr. Leibman states that the application will be carried until June 24, 2026, at 7:30 p.m. in this room, there will be no further public notice or mailing, this is the continued public notice now. Mr. Leibman asks Mr. Falkenstern if the Board has his consent to extend the time between now and that night from the 120 days that the Board has to act on this, to which Mr. Falkenstern responded yes.

Motion to adjourn – Mr. Gautier; Second – Mr. Krey – 10:31 p.m.