

**RIVER EDGE
LAND USE BOARD
MEETING MINUTES
ZOOM MEETING
March 11, 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 7:30 p.m.

Roll call:

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

ALSO PRESENT: Marina Brown, Esq., Thomas Behrens, Mr. Depken (via Zoom), Mr. Costa, Jessica Hall and Lisa Ciavarella. Also appearing is our conflict counsel Danielle Federico, Esq.

APPROVAL OF MINUTES

Approval of 1/28/26 mins. Ms. Brown had some changes. Inserting who made the motion for approval of the January 14th meeting (it was inaudible at that meeting) and then the memorialization’s that occurred at the 28th meeting and then just a few little typos but everything else was the same. With those changes a motion to approve was made by Mr. Krey; Second – Mr. Gibbons. Everyone is eligible to vote except Mayor Papaleo and Chairman Caslin. Voice vote is taken – those abstentions noted a voice vote is take and Motion was approved.

No minutes available for February 11, 2026 or February 25, 226 at this time.

DISCUSSION ITEM(S):

Master Plan Consistency Review of a proposed amendment to the zoning ordinance.

Mr. Behrens addresses the 4th round affordable housing obligation and as part of that process the state required that municipalities adopt (inaudible) ordinances by March 15th of this year 2026. The Borough Council introduced several ordinances that are mentioned in the Borough’s Housing Element and Fair Share Plan. One has to do with amending several of the Borough’s affordable housing sites as well as the creation of two new affordable housing overlay zones. He will begin with that first. This ordinance

amends the Borough's existing zoning ordinance – it amends the Borough's existing New Bridge Landing train station redevelopment area by simply increasing the maximum permitted density there in accordance with the Borough's Mediation Agreement with the Fair Share Housing. The second has to do with increasing the density as to what is referred to as Affordable Housing 1 Overlay Zone which encompasses the site which includes the existing BP gas station, the golf simulator facility as well as the planned retail store on New Bridge Road. That existing ordinance will remain intact, the only change there is an increase in density. The third change to the existing zone has to do with the Borough's multi-family and senior conditional use district which is on the east side of Kinderkamack Road between Howland Avenue and Reservoir Avenue. There is no change to the actual zoning, there is just a change to the minimum required affordable housing set aside where all rental – affordable set aside has been increased from 15% to 20%. Mr. Behrens states that finally there are two new affordable housing overlay zones that are being created, one is at the north end of town which is referred to as the affordable housing 3 overlay zone. He explains what an overlay zone is. Then there is the new zone at the south end of town it essentially exists on the south side of Rt. 4 with frontage on Johnson Avenue – that site will allow for multifamily development up to four stories. All of this is specifically identified in the Amended Housing Element Fair Share Plan that this Board adopted at the last meeting. He states that ordinance is substantially consistent with the Borough's housing plan, but it also includes the sites in need of redevelopment. He continues stating that the task of the Master Plan consistency would be (1) to identify any provision of an ordinance that would be inconsistent with the Master Plan in any way and any recommendations from the Mayor and Council. So, subsequent to this Master Plan consistency at the council meeting tomorrow night presumably these ordinances will be adopted. Motion to deem the ordinance not inconsistent with the Master Plan – So Moved – Mr. Gautier; Second – Chinigo. Roll Call – Mayor Papaleo – yes; Chairman Caslin - yes; Mr. Krey - yes; Mr. Gibbons - yes; Mr. Chinigo – yes; Mr. Salva – yes; Mr. Gautier – yes and Ms. Levine - yes. Motion passes.

We take a 5 minutes recess at 7:45 p.m. Meeting reconvened at 7:48. The Mayor and Ms. Brown left the meeting at this point. Roll call - Chairman Caslin - yes; Mr. Krey - yes; Mr. Gibbons - yes; Mr. Chinigo – yes; Mr. Salva – yes; Mr. Gautier – yes and Ms. Levine - yes. For the record present is our planner, Mr. Behrens, our engineer – Mr. Costa and on ZOOM Mr. Depken our zoning officer.

Completeness Review

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

Application seeking preliminary and final minor site plan approval with use, height and bulk variance relief to install and operate a two-sided static billboard.

Danielle Federico, Esq. stated that she reviewed the notice that was published and mailed and it was sufficient, so the Board has jurisdiction to hear this matter.

Questions and Comments from the Board

Mr. Behrens states that they are merely reviewing completeness and as far as he understands the application is for the installation of a billboard and no other site improvements so his review will be based on recognition of that fact so he is going to identify what he believes are technical waivers the applicant should request and the Board can consider and in light of the application which included in the

submittal the application form, supplemental information as well as a revised site plan and property survey. As far as completeness items as far as identifying some of the checklist items which he is not sure (A) if they are applicable or if they have been provided – he will list them and then give the applicant a chance to respond. (1) an accurate description of existing and proposed uses; (2) pertaining to the size, location, parking bays and site dimensions – while he recognizes this is for a billboard he believes the site has some existing non-conforming conditions which may pertain to the parking area; (3) the location and direction of all illumination and time of proposed outdoor lighting including all standards and utility poles – recognizing that the applicant submitted a light study but he does not believe that the light study has property lines so, at some point he believes it would be expected that the applicant provide that level of analysis so that the Board can ascertain whether or not the foot candles at the property line are conforming. The number of parking spaces – he does recognize that the billboard does not generate parking. It looks like part of the base may or may not impact the existing parking area. The applicant identified that Bergen County site plan that approval is not required. Mr. Behrens states he does not know the answer to that and that is a question for the applicant. The depiction of typography within thirty feet. Mr. Behrens states that he will note that no landscaping is proposed where a landscaping plan is technically required, fully appreciating that it is a billboard application. No plans for the existing building which is not being improved at all. Mr. Behrens states these are the items that are either not applicable or have not been submitted, he believes the applicant technically must request a waiver and then it's at the Board's discretion whether or not to grant the waiver to determine the application complete.

There were no questions or comments from the Board at this point. Mr. Costa states that at this point he would suggest that if you want to talk about completeness you go through the checklist – there's x's and checkmarks and what Mr. Behrens just brought up is the stuff that they requested is not applicable – so you can go through it one by one but his recommendation is – the Board can say we want that information, your incomplete or you can provide it at a future point and we can move forward. But again, it's up to the discretion of the Board and it's up to the applicant to request it and let him put his arguments on the record.

Mr. Falkenstern states that as far as some of these items they will certainly be addressed during testimony. He does believe that they will request a waiver at this time, but he does believe that they will be able to answer most of those questions through the testimony of their experts this evening. He knows that some of the issues he believes there is just a misunderstanding about the current uses of the property. He does believe that they disclosed two office buildings being utilized there and the parking and they have a plan. He does not believe the parking will be striped, but they will have testimony from the engineer as to that.

Mr. Costa asked what is there - to which Mr. Falkenstern stated an architect and astrologist. Mr. Behrens states that the reason he raised that question was that there was a signature on one of the forms in the application had a signature of someone who resides at the property. Mr. Falkenstern states that he is the owner and his office is there – he does not live there. Mr. Behrens also stated that there are two vehicles that tend to be there at all hours of the day every day. Mr. Behrens states – put it on the record because it's not permitted that there is no residential use there. Chairman Caslin asks Mr. Falkenstern if he has that information to which he responded he believed the engineer can testify to it also, but the owner is not present but he is under the impression that his architectural office is located on site. Mr. Behrens states that they are here for a use variance, so whether or not there are other existing non-conforming uses is relevant. Mr. Krey states that from Mr. Behrens notes there had been a change to make a non-residential some time ago. It originally had residential. Mr. Behrens then goes through the history of the site. Mr. Falkenstern states that Joe Donato's office is there and he does not live there and the other building is the astrology business, and he does not believe they live there. Mr. Costa states the Board

needs to know the answer that is being posed - do they live there or not.

Mr. Joseph Jacobs (the applicant), 23 Wendy Drive, Linwood, New Jersey is sworn in by Ms. Federico. He states that no one lives at the property. There is an architect's office and an astrology business – it's not used as a residential home its used solely as an office. Hours of operation are normal business hours. Mr. Costa asks Mr. Jacobs how he has knowledge of what he is testifying to. He states that he has been inside the building and he has spoken to the owner. He states that many, many, years ago the property may have been a residential zone, but the property has since been zoned commercial and no one lives at the property at all. Mr. Salva asks Mr. Jacobs if he has been in both offices to which he responded he has not been in the astrology business, just the architect's office, but he has been through the building and clearly no one lives there. Ms. Federico advises the Board that what the applicant is proposing this evening is the billboard and while the uses that might be going on there, they are stipulating that there is no one living there – then as Mr. Depken is on - that becomes an enforcement issue the Board is not taking any action on this application if there is some use there that is not legal the Board is not approving that this evening. So, there is a stipulation of the record that there is no residential use happening here – Mr. Depken can certainly enforce that and any approval or action tonight would not approve any illegal use there, so you have some comfort. Mr. Behrens states that he appreciates that is what they have put on the record, so it's on the record, but again there is a use variance that is the genesis of the question. Mr. Chinigo asks – how is it binding if it's on the record but he's not the owner. Mr. Behrens responds – the resolution would be binding. Chairman Caslin ask if the use variance that they are seeking apply to the use of the structure? Mr. Falkenstern states that they are absolutely not seeking a use variance for the existing structure. Mr. Behrens just wants the Board to consider the totality of everything because it relates to parking – just to know what is there and what is proposed. Chairman Caslin addresses the waivers. He states that Mr. Behrens has articulated the waivers, and he assumes that those are the items the applicant would be seeking waivers from. Mr. Falkenstern states that if there are requirements the applicant would certainly be seeking the waivers from the Board. Chairman Caslin asks the Board if they are clear that there are certain things in the checklist that the applicant has not satisfied that may or may not be applicable and a request is being made that the Board waive those requirements to the extent that they do apply. Mr. Behrens states that at some point whether the application proceeds or not again, that question of illumination is going to have to be confirmed if given the adjacent uses and again the location and direction of illumination because the Borough has standards about illumination at property lines and that has to be confirmed. Mr. Behrens further states that finally while billboards do not generate parking he thinks having an understanding of the characteristics of the site as well as any existing non-conforming conditions is relevant to the application, because he believes their planner will go onto site suitability and whether or not there is a relationship --- Mr. Falkenstern wanted to be clear that they certainly wanted to provide testimony to all of these items they are not asking for them to be waived. Mr. Behrens states that instead of asking them to be waived he believes what they are saying is that they would like to be able to provide them. --- Mr. Falkenstern to be deemed complete not to waive them for the application. Chairman Caslin asks Ms. Federico if the Board can conditionally deem this complete with those issues outstanding. Ms. Federico says that there are no obligations to grant all of the waivers and if the Board grants some of the waivers and wants to proceed, the Board can condition it on the applicant providing other items to the Board's satisfaction. Ms. Federico states that if the applicant does not address all of the items the Board wants in testimony the Board can certainly have the applicant come back and provide whatever additional items the Board wants. Chairman Caslin states that he would be comfortable conditionally approving considering the Board hears from the rest of the professionals but to the particular point an obligation to supplement the application with the missing materials he would think would be acceptable, so he opens it to the Board for discussion. Ms. Federico states that there is no obligation to just grant all the waivers and if the Board grants some of the waivers and wants to proceed

the Board can condition it on the applicant providing other items to the Board's satisfaction. If the applicant does not address all the items, the Board wants in testimony, the Board can have them come back and provide additional items the Board wants. Chairman Caslin states the items from his perspective he welcomes the Board's input, but the items Mr. Behrens articulated are substantive in nature. Chairman Caslin states that he would be comfortable assuming the Board hears from the rest of the professionals but on this particular point an obligation to supplement the application with the missing materials he would think would be acceptable. Chairman Caslin opens to the Board for questions and comments.

Questions and Comments from the Board

Mr. Chinigo asks why these items weren't provided in the first place. Mr. Falkenstern stated that some they did not believe were applicable to this application and that was their position but if the Board wants them -- certainly they were brought up in the review correspondence and they will provide testimony as to whether they apply or not apply in this case and how they will try to address all of the comments. Mr. Costa speaks regarding the survey, he states they state none or not applicable on page 18 of the check list. Mr. Falkenstern states specifically as to what, to which Mr. Costa responded -- reference to any covenants, deed restrictions, easements, exemptions that are in effect or intended to cover all or any of the site, copy of the deeds, a copy of the covenants, easements, exemptions etc. Mr. Falkenstern stated that he believes they did not identify any covenants. Mr. Costa refers to the notes wherein it states survey performed without the benefit of a complete title search and subject to municipal restrictions, easement of record and other facts a title search may disclose. Mr. Costa states that basically the applicant's surveyor is saying he does not know because he doesn't have the application. Mr. Falkenstern states that he does a lot of survey and real estate transactional work and that is pretty much standard on the whole surveys unless rarely are they provided with the full --- Mr. Costa asks if they have title work on this, Mr. Falkenstern states that he believes the applicant did and he believes there are no easements. Mr. Costa asks if they have Schedule B to which Mr. Falkenstern stated he does not have it on him. Mr. Falkenstern states they did look at it and there were no easements. Mr. Salva asks when the title search run. Mr. Falkenstern states he does not know but they go back forever how long he does not know. He has no reason to believe that there are any recent easements or restrictions.

Mr. Jacobs testifies that as an owner of billboards, a developer of billboards and a lawyer representing billboard companies he has been involved in probably a few hundred billboard applications in New Jersey and around the country he has never once had a title search -- the landlord in their lease has indicated that there are no easements or restrictions or anything in the like that would interfere with a billboard use at this property so he is proceeding at his own risk. The only time he has had an issue was with the state of New Jersey which had a restriction and they subsequently gave him the approval. He states the owner has indicated that there is nothing that prohibits this use by way of an easement or restrictive covenant or anything of the like it himself proceeding at his own risk because if that were the case he would be harmed. Mr. Costa states that it's a requirement under the checklist. Mr. Falkenstern states that if they don't exist, he doesn't know how they can submit them. Ms. Federico states you can provide the Schedule B -- Mr. Costa you can provide the Schedule B from that will show any of the easements. Your surveyor is saying he does not have it. Mr. Behrens states that one of the unique aspects of the property is its current shape which resulted in part of the roadway being absorbed by New Jersey Department of Transportation. So, there is a history there that it's not an existing lot of record without prior impact. He continues that the request would be to get the Schedule B to confirm that there is no issue. Ms. Federico states that can made a condition of the Board deeming the application complete as that is one of the items that they are especially flagging in addition to the items that have been raised that the Board wants additional testimony such as the lighting for instance that they may ask for additional documentation but

definitely the Schedule B would be one item she can confidently say is an item the Board wants to have before they take action so the applicant can bring it to the next meeting.

Mr. Depken states that he agrees with Mr. Behrens he thinks the fact that this property is adjacent to a residential zone requires some more information and on the item of occupancy he can set up an inspection with his office to go and take a look at the property. Chairman Caslin asks Mr. Depken if he is aware of any other uses other than the uses that have been presented tonight by way of the architect and the astrologer. Mr. Depken responds that he does not recall receiving any information on this property. The only thing that he had was it's in the C1 zone. There is no updated map, and it turned out that it was not a C1 zone. He has no positive or negative comments for that property that have been sent to his office.

Mr. Gibbons states that it seems that these are things that can be provided later on so does the Board feel that they can move on or are these items that are absolutely needed to start this application. Mr. Costa responds – worst case scenario where they are proposing the billboard has some type of restriction, it cannot be put there – they proceed and next week, next month or months after that they find out there is an easement, a pipe, there's something, basically it's a waste time for all involved, a waste of the applicant money because they have not done their due diligence to figure that out. They say that they have and they have it but in essence they don't. Mr. Costa continues stating that the engineer should have made sure that there is nothing there that would impact it, but the applicant has not provided the information. And from what he's getting on the record, he knows the applicant has done 100 billboards according to his testimony but does the Board care about 100 billboards or does the Board care about the billboard that is in front of them this evening. Mr. Costa continues stating that he knows the DOT has been working on the bridge right next to them for months and months – what's there, what utilities are there he does not know. Mr. Behrens states that certainly the Board does not have enough information for the Board to make a conclusive decision if the application is to proceed. He states that they have identified a couple of critical pieces of information – but he feels the onus is on the applicant and he asks how they were going to address the outstanding items in the course of their presentation. Mr. Falkenstern states that if the applicant was allowed to proceed this evening, the Board does not have to vote, the applicant can come back and provide them with the information that was requested but he believes that certainly some of the stuff will be addressed through the testimony of the engineer. Mr. Gibbons states that as he is looking at it since everyone is here this evening and if it's not terrible to proceed this evening and not go home and start over in two weeks, if the applicant has to come back in two weeks and say they were not able to comply with what the Board needed then no one comes back in two weeks. He continues to say that is generally how he is looking at it. Mr. Behrens states that he would just request any information is provided within ample time for the Board and the professionals to review and they can form an opinion.

Chairman Caslin is inclined to, if the Board can, get them complete conditioned upon supplementing with the missing information between now and the next meeting for the Board to begin to look at this. Mr. Falkenstern states that the easements stuff will be easy and quick. Ms. Federico states given the time constraints the sooner they get any information to the Board they can start reviewing it. Mr. Krey states that he does not want to make this simple if it is not unless he is utterly mistaken – completeness review is to have all the information they need to make a decision. That doesn't exist. So, he wants to know how the Board can say their application is complete. Mr. Chinigo states that he will go a step further to say that his is not the first applicant and it is not their fault that comes before this Board with incomplete paperwork and then the Board is left to say they are going to waive it and they will come back and the Board will get it later but two weeks, a month or two months later you start to forget this stuff. He continued stating that it takes him time to review all the stuff beforehand so he is prepared and he can ask questions and he can listen to everything that is going on and be able to make a decision. To say that

the applicant will get some of it now, some of it later and maybe they will change things around it just seems a waste of the Board's time. Mr. Salva asks everything Article 5 so the items, the checklist say one or N/A so the applicant feels that it is not applicable would they not have the burden to establish the reason why it's not applicable because they don't want to assume that the applicant is just going to fill in the blanks if certain things are not going to be applicable the Board is going to need a thorough enough explanation as to why they are not applicable. Ms. Federico states that it might be helpful to go one by one if the applicant wants to address each one and provide the testimony if they don't feel it is sufficient, that may be helpful. Mr. Behrens states that they are not numbered and the identification didn't have to do with whether or not they were identified as yes or no just simply whether or not they are actually prepared or not.

Mr. Behrens starts with page 13 of the application – first issue identified had to do with use – number and type of proposed uses to occupy the building he believes that can be translated to mean site. The next issue has to do with parking. Next, the location and direction of all illumination and time of proposed outdoor lighting including all standards and utility poles on abutting streets. Mr. Behrens believes the location and direction of all illumination is a critical component of the potential spillage to residential properties. Recognizing that a lighting professional had done a study but it's kind of in a vacuum because there are no property lines. There is an ordinance that requires a maximum lighting threshold that the property lines – 1 foot candle or 1 foot candle but that could be a compliance question. He noted locate transformer he doesn't know if that's applicable – he asks the applicant if they need a transformer at the base of the billboard to which Mr. Falkenstern responded no. Next, Item F description of the current uses of the property – not building but the property. Next, Item G complete full details of the uses of the site. Item J – existing covenants, deed restrictions, easements etc. we addressed that, the applicant indicated that as not applicable. Item S – reference to the number of parking spaces required for the proposed uses by ordinance and the number of parking spaces proposed as part of the site plan. Mr. Behrens states that he understands billboards don't require parking – there is a question as to whether or not it actually impedes into the parking area and again, just an understanding of existing non-conforming conditions to the extent that there are any. Item U – Bergen County site plan approval – Mr. Behrens just does not know the answer to that question. Item number 12 on page 22 – number of parking spaces required by ordinance, number of parking spaces provided on subject property. Page 23 – Item number 3 pertains to easements; Item number 4 pertains to underground utilities. Item number 2 on page 23 talks about existing and proposed contours for distance of 30 feet around the perimeter of the property. Page 24 some engineering drainage, runoff calculations – that may not be relevant. Page 25 – simply landscaping requirements and obviously there is no landscape plan and the applicant is not proposing any, but it is a technical requirement and the applicant wrote yes. The applicant did show what's existing as far as trees on the site just the mere fact that there's nothing proposed they are entitled to request a waiver. Page 26 H – lighting – a comprehensive and accurate lighting plan including the proposed location, direction of illumination, power and times of the proposed outdoor lighting etc. That concludes the extent of what Mr. Behrens has.

Mr. Falkenstern states whatever is easiest to understand, maybe going item by item is better. Chairman Caslin states that in fairness it will give the applicant a shot to try to address these things but there is a fairly substantial list here of items and in fairness to the applicant and fairness to the Board who needs to review these items the Board will give the applicant a chance to address them before the Board makes a determination on completeness. Mr. Falkenstern states that he believes the use has been ironed out that there are two commercial uses at the property and they don't have the owner here to give the Board the exact testimony and they can bring him back at another date to confirm that but it is their understanding that, that is the use and it's been represented as that - and they are not changing in any way that use and

Mr. Falkenstern understands that the Board wants to be clear on that and they can give testimony from their planner and engineer who have been at the site and would be able to know that the use and there is no reason to believe that it's not. The parking they were going to show whether the billboard would affect the parking and that was going to be done this evening with the engineer's testimony. He continues stating that the survey they have represented that there are no easements of record and he cannot provide to the Board the Schedule B this evening. The applicant can certainly come back with that a go over it at the next meeting, but they feel they can proceed on it and in the event, there was something restricting it, it's the applicant's own risk and they would not proceed with the application. He further stated that the county site plan approval he believes their engineer can testify to that. Mr. Behrens states that the other big-ticket item was lighting. Mr. Falkenstern stated that the engineer was going to testify to that also. He also believes that they provided the lighting, and he understands that Mr. Behrens doesn't believe it is sufficient but to be clear they did provide a lighting study that might not be property lines, but when they got there in the proceedings, they can give testimony as to that. Chairman Caslin states – based on the information that the Board just heard questions from the Board otherwise he will ask for a motion. Mr. Gautier states that the major issue is the lighting study may be incomplete. As he sees the whole process of a completeness review why even do it if the Board is not going to adhere to it. So, he would ask the professionals if they feel that this application is complete. Mr. Costa states it's not complete and that is why the applicant either needs a waiver or they need the Board to say thank you very much, provide the information and come back and then they will deem it complete. He says it's up to the Board not the professionals. Mr. Costa further states that there is one little caveat that he may have slip out of as far as the parking - a portion of the pavement that's used for parking isn't on their property, he didn't know if the applicant knew that or not. Mr. Falkenstern said that they do. Mr. Costa continues stating that there is no proposal to remove that and what that causes. He continues stating that this Board cannot approve a plan or parking that is not on the applicant's property. Mr. Falkenstern states that the applicant is not proposing parking – Mr. Costa countered that it exists and there is an encroachment on the plan and he doesn't know if the applicant knows that or not. Mr. Falkenstern responded that they did. The tenants/someone is using it. Mr. Costa states that someone asked him a question years ago, when they put bricks underneath Rt. 80 and they asked where do they do the 200-foot list – he responded its Rt. 80. it starts in New Jersey and ends in California he said I would start there. Mr. Costa's question is - is there a jurisdictional problem? Ms. Federico states that as far as if there is an easement and the applicant is using that and it should include that property then they would go from that portion if it's like an access drive or parking. Mr. Behrens states that for clarification it's the right of way. It was likely taken at some point. Mr. Behrens is clarifying it doesn't seem to be an easement it's actually physically a lot that's part of the right of way owned by NJDOT. He thinks it's the triangular thing they are talking about. Mr. Costa stated that their parking lot sits on it. Mr. Falkenstern states it's a corner that was likely at some point the State or highway authority (microphone went out for a minute) Ms. Federico states – so they are asking whether that entity would have had to consent to the application. Mr. Costa responded possibly and jurisdiction. Mr. Falkenstern stated that they are not proposing anything in that area. Mr. Costa stated but it exists, you're using it. Mr. Falkenstern states the owner may be using it – Mr. Behrens states that they are asking for a use variance application – how does the Board consider this as a Board an isolation of the totality of the existing site conditions -you're asking the Board to forget everything else – look at the billboard. Mr. Falkenstern states that they are not using that as parking on the site. Mr. Costa states however this gets approved – whether it gets approved here or somewhere else, they have three uses on this particular piece of property there is the architect's office, the astrologer and the billboard. Someone has to show up it's a static billboard to change the sign, do some maintenance so the applicant needs some type of parking for that individual. Falkenstern states that the entire parking lot is not in that area. Mr. Costa states no it's not but a good portion of it is Mr. Falkenstern states that they were going to provide testimony as to the parking. Mr. Costa states that the Board cannot approve a plan that shows

parking on someone else's property. He further states that maybe they do not understand where it is. He states that they are utilizing it.

Ms. Federico swears in William R. Vogt, Jr., licensed civil engineer who created the site plans for the application. He is one of the principals and owner of L2A Land Design, LLC, 66 Grand Avenue, Englewood, NJ. He goes through his credentials, and his license is in good standing. Mr. Vogt testifies that there is a triangular piece of property and he believes it is designated as Lot 5.01 that is part of the DOT take away. It was part of their taking when they approved that intersection. The applicant is not proposing any work on that portion. He does understand that they are utilizing it as parking. He did go back through some historical photographs, and it looks like parking has been in that area back until 1985, it was striped at one point and from what he can tell there were about 7 or 8 parking spaces shown at the rear portion of the property to the west. Mr. Vogt states that he does not have any evidence that there are any easements granted to the owner of the property to utilize that portion of the property but he states that he can have his surveyor do a review title and see if any easements exist in that portion but for the remainder of the site the applicant is unaware of any easements or restrictions or DOT restrictions on the property. Ms. Federico states that causes her some concern because if that property is part of this application, there should have been some sort of consent. From her perspective it's the only thing that is kind of a concern to her because she does not want to get down the road and not have jurisdiction. She realizes that the applicant is not utilizing it and that they do not need the parking but if it is part of the application for the applicant's attorney that she is raising as a concern. Mr. Falkenstern states it's not actually a part of their application. Ms. Federico countered stating that it is used on the site by the other uses. Mr. Vogt states that he understands – that if they are using it and they are not allowed to use it yes – then they would have to remove it. Mr. Costa tells Mr. Vogt that he is misunderstanding – there is an existing tenancy – two tenants, they don't fly there and get dropped off, they drive there. They do not know how many employees there are because the information has not been provided. Mr. Vogt responds that he knows that there are two tenants there, one is Joe Donato who is the owner of the property and the only employee and the astrologer. There are two cars. Mr. Costa continues to talk about cars, he states of a portion of the property isn't on the applicant's property for the parking - - how do you use the parking on someone else's property if you don't have easement, covenants or license agreements. Mr. Vogt responds that he understands that and states that what he is representing is of the applicant is not allowed to use that portion of the property through any easements then the applicant would need to restripe the parking compliant on what is left. Mr. Costa states you either remove the encroachment and you have all of the pavement on the property – you own it that is what they can utilize, and they would have a parking plan because they are going to have three possibly different uses right on the property. The applicant cannot use the parking that is on someone else's property unless they have an easement to do so or a license agreement but again that creates other issues because that might not be in perpetuity and that could mean that this Board would have to say okay but if that gets taken away it affects the overall use of the property and then the applicant needs to come back here or lose the use so it's important. Mr. Vogt states understood. Ms. Federico states if they are stipulating that they will remove that pavement and not use it whatsoever and restripe then that gets rid of her problem. Mr. Vogt states that is how he was looking at – if the applicant cannot use that portion, we would have them remove it and then restripe the parking lot to be compliant. If they are not allowed to use it then he has to fix it for them. Mr. Falkenstern states that is the basis of their application – it's not part of it but they understand the concerns and if the parking was not allowed it would have to be moved off of the site. Their application is strictly to deem the application complete. Mr. Costa states that if they don't remove it possibly the Board does not have jurisdiction, they didn't notice correctly and they don't have the consent of an owner to file an application. You can't file an application on someone else's property without their consent. Mr. Falkenstern does not believe that their notice would have been defective, they would have noticed everyone. Mr. Costa stated

that the Board cannot approve a plan showing peaking on someone else's property if it's not legally existing. Mr. Falkenstern – states are they showing parking to which Mr. Costa responded – you are they're showing the pavement. There are curb stops on the NJDOT property. Mr. Vogt states that there is clearly asphalt beyond the property limits as shown on the survey that currently exists or if you back through historic photographs at least to 1985 and he saw the same parking configuration on the property so it's been there for decades whether or not during that taking of the DOT right of way they didn't enforce them to remove the parking that was in that portion of Lot 5.01 or they never got around to it. He states he does not know as he does not know the history of it. Ms. Federico's concern is that it is a pre-existing condition so if there is any encroachments – on the setbacks she doesn't care about that - she does care if it is being used and it should have been part of this application even if the applicant didn't need it for parking but it's being used for parking she thinks it raises whether it should have been within the 200 foot encompass in that, she doesn't want to go down that rabbit hole. Mr. Vogt responds that it's right it's definitely right there.

Chairman Caslin states that they are hearing a lot of uncertainty he feels there is a little bit more homework that needs to be done here on the applicant's part, but he will defer to the Board to determine completeness. Chairman Caslin states that at this point and from his perspective – Mr. Costa steps in and states lets go back in time – someone got up and said there are not easements and no covenants, now there is an encroachment on someone else's property so if the Board goes back to that point in time then it's not lawful. Chairman Caslin again reiterates that there is some homework to be done. Chairman Caslin states that at this point he would like to take a vote on completeness unless the applicant has anything further to provide. Mr. Falkenstern wants to put on the record that the Costa Engineering report does deem the applicant complete and they respectfully believe that it was complete and accurate on page 6. Chairman Caslin stated that there are other professionals that have issues also. Mr. Costa stated it would be a recommendation maybe because they do not have the authority to deem it complete.

Chairman Caslin asks for a motion to determine completeness of the application. Mr. Gibbons makes a Motion deeming the application incomplete; Second – Mr. Salva. Vote – Chairman Caslin – yes; Mr. Krey – Mr. Gibbons – yes; Mr. Chinigo – yes; Mr. Salva -yes; Mr. Gautier – yes; Ms. Levine – yes. The Motion passes.

Chairman Caslin's recommendation is that he believes that there is more homework that needs to be and he encourages them to reach out to the Board's professionals and compare notes. Mr. Falkenstern felt because of the recommendations there were outstanding issues they would have been in a better position to address them this evening. Chairman Caslin states that he thinks it's a combination of things that he thinks they can address through testimony but clearly the documentation also has to present to the Board that has to – Mr. Falkenstern states fair enough he saw what was provided it said we recommend deem complete and then they get here this evening and –we want to address the issues not being confrontational he just wants to make sure – they did not think these were going to be issues otherwise they would have been in a better position to address things. Chairman Caslin asks what is his best guess for addressing these items. Mr. Vogt responded when is the next meeting and when would they need documents for. Chairman Caslin stated that he would recommend documents need to be in at least a week - 10 days in advance. Mr. Falkenstern requests to be on the next meeting if there is room on the agenda. Mr. Vogt asks when the documents we need to be in in order to be on the agenda for the next meeting. They responded by the 16th. Ms. Federico states that this matter is being carried to April 8, 2026, meeting with no further notice being published or mailed.

Motion to adjourn – Mr. Gibbons; Second – Mr. Gautier – 8:50 p.m.