

REGULAR MEETING

Salute to Flag: 8:00 p.m.

OPENING STATEMENT:

This is a Regular Meeting of the Wanaque Board of Adjustment and adequate notice has been given and it has been duly advertised by the placement of a notice in the Suburban Trends and Herald News on January 12, 2011 and a notice thereof has been posted on the bulletin board in the Municipal Building and a copy thereof is on file with the Borough Clerk.

ROLL CALL: Chairman Jack Dunning, Members Joseph D'Alessio, Don Ludwig, Eric Willse, Michael Levine, Attorney Ronald Mondello, and Engineer Christopher Nash.

ABSENT: Vice Chairman Grygus, Members Frank Covelli, Peter Hoffman and Jaime Landis.

APPLICATION: #ZBA-2010-01 – Robert A. Heitzman, Jr.
LOCATION: 27 Borman Drive, Wanaque, NJ (Block 261/Lot 12)
VARIANCE: Bulk Area Variance (CD 7/23//2010)
REMAND: Judge Graziano remanded case back to the Board by
Court Order dated January 19, 2011

MOTION TO CARRY APPLICATION TO MAY MEETING: made by Member Ludwig, seconded by Member D'Alessio. Voting yes were Chairman Dunning, Members D'Alessio, Ludwig, Willse and Levine.

APPLICATION: #ZBA-2011-01 – David Lang
LOCATION: 29 Oak Street, Haskell, NJ (Block 426/Lot 24)
VARIANCE: Bulk Area Variances (CD 3/22/2011)

Attorney Mondello has reviewed the Hearing Notice served on property owners, Affidavit of Service and Notice for Publication, and deems the Application complete.

Attorney Mondello swore in the architect, Christopher Dougherty, 48 Grove Street, Wanaque, New Jersey and the applicant, David Lang, 29 Oak Street, Haskell, New Jersey.

Architect Dougherty has appeared once before this Board a few years ago. I am an registered architect and have been for the past 14-1/2 years in New Jersey. Most of my practice involves residential work, including add-a-levels and additions as well as some new residential work. I have done some commercial work. Some of the Boards I have offered expert testimony in the field of architecture are Fairfield, Caldwell, Verona, Allendale.

Architect Dougherty gave a brief statement to summarize the project. Mr. Lang hired me about a year ago to do an add-a-level to his existing premises and, while the work was proceeding, retained me to design a one-story porch on the Shady Avenue side of his property. The porch would be approximately 8 feet deep towards Shady Avenue and run the full span of the house, which is a little less than 20 feet in length. Mr. Lang is requesting relief from the bulk-zoning ordinance based on the following reasons:

1. The proposed porch does not intrude into the side yard setback on the Shady Avenue side of the property. The ordinance requires that a 15 foot setback be met on that side and the final porch footprint would be 16.85 feet from the property line as noted on the site plan prepared by John Miceli, Professional Surveyor. The Board should have the revised plan in their possession, which was based on comments made by Boswell Engineering.

Attorney Mondello advised Mr. Dougherty that the issue with the revised site plan is that it was not sent to the Board or on file ten days prior to this hearing.

Engineer Nash stated the plans were revised in an attempt to make changes in accordance with his review letter.

Chairman Dunning advised that any plans have to be on file ten days before a hearing for the public to review.

2. The proposed work does not impact the existing front or rear yard of the existing premises. These are the two setbacks that are non-conforming on the property; the front yard setback being on the Oak Street side of the property and the rear yard setback being directly to the rear of that. Mr. Lang seeks relief in that these are pre-existing conditions and none of the proposed porch construction affects either of those setbacks.

3. Mr. Lang would like to add an additional upgrade to his premises giving himself a small-enclosed area for his personal use and this should not adversely impact any of the surrounding neighbors in the neighborhood.

In summary, we believe this proposed work on the footprint is modest and proposes no additional development burden in the neighborhood.

Attorney Mondello questioned what are Mr. Lang's reasons to do this project. Mr. Lang stated his home is small, especially his living room and if he has company/family over, this would afford him extra space. Entertainment purposes.

Chairman Dunning questioned Mr. Lang:

Did you try to purchase any surrounding property to get some relief from the variance request? Mr. Lang answered “no”.

Is the shed that is on your neighbor’s property, is that yours?. Mr. Lang stated yes and it was there when he brought the house.

The cement slab is also on someone else’s property. Mr. Lang stated that was also there.

Chairman Dunning stated the porch, or room, (doesn’t really matter what we call it, we are expanding the footprint) lets you expand the use of your dwelling. The way the rock structure comes out of the ground there, are you going to build a cinder block and work your way up the rock somehow. Architect Dougherty said that is the way it is going to go. We are not going to be able to bust up that granite. The contractor is going to come up with a schematic idea about how to approach it. An amended construction drawing will be submitted to the construction official.

Chairman Dunning questioned Engineer Nash about the parking. Is the area big enough to hold two cars? Engineer Nash didn’t think so. However, Mr. Lang advised that he parks two cars there all the time, side-by-side on gravel. The entrance to the driveway, no, because there is a rock ledge right at the road; however, once you get down by the slab that is on the drawing, two cars can fit comfortably there.

Engineer Nash commented on the way the building is not parallel to the property line, it is askew. In my letter, I was asking for the distance from the northeast corner of the new porch construction, basically where it intersects with the existing house, to the property line, that is the variance that is shorter than the front distance. I didn’t get a response to that question. Even though we do not know that exact number, it is not going to determine the outcome of this application. I can advise what it will be to the nearest two hundredths, but it is not my plan. Chairman Dunning commented that the Board has to set a number to grant a variance. We need to make a safe number so that, in the event someone challenges it, Mr. Lang doesn’t have to come back for another variance. Engineer Nash recommended 22.5 or 22 as a safe number.

Chairman Dunning advised that the shed should be brought back onto the applicant’s property and also the cement slab. Mr. Lang has no objections to doing these items.

Member Levine asked if this is going to be a separate room or are you going to knock down the existing wall and making it one larger room? Mr. Lang advised there is going to be a doorway from the living room into the porch. The door is staying between the house and the new room/porch. The intention is not too heat this room, no ductwork being put in.

OPEN HEARING TO THE PUBLIC: Does anyone in the public have any questions or statements on this application?

Seeing and hearing none, we closed the public portion.

MOTION TO APPROVE THE APPLICATION WITH THE FOLLOWING VARIANCES: 22 FOOT REAR YARD SETBACK; 7.25 FOOT FRONT YARD VARIANCE; AND THE STIPULATION THAT THE SHED MUST BE MOVED ONTO THE OWNER'S PROPERTY WITH A MINIMUM 5 FOOT SETBACK OFF THE PROPERTY LINE: made by Member Ludwig, seconded by Member Willse. Voting yes were Chairman Dunning, Members D'Alessio, Ludwig, Willse and Levine.
Motion Carries.

APPLICATION: #ZBA-2011-02 – Richard & Amy Moon
LOCATION: 42 Smith Avenue, Haskell, NJ (Block 310/Lot 9)
VARIANCE: Bulk Area Variances (CD 3/22/2011)

Attorney Mondello has reviewed the Hearing Notice served on property owners, Affidavit of Service and Notice for Publication, and deems the Application complete.

Attorney Mondello swore in the applicant, Richard Moon, 42 Smith Avenue, Haskell, NJ

We would like to do this extension because I am visibly impaired and collect disability and our laundry is downstairs in the basement. We want to move the laundry onto the first floor. While considering this, we decided to enhance the kitchen and extend the back of the house for the kitchen.

Chairman Dunning questioned what they were doing about the existing covered deck. Mr. Moon advised they are tearing it down and rebuilding it.

Engineer Nash questioned a note on the survey that says existing enclosed porch to remain. The language should be changed to show that it is being rebuilt. Also, the building coverage calculation was not done correctly. The surveyor shows the existing building coverage at 21.4, but it is really 13.5, and the proposed is 18.1, which has not been filled out on the plan, and does not include the porch or shed. The zoning ordinance excludes porches from the building coverage calculation. Chairman Dunning advised that they normally include it when it is covered because, if you put a wall up, it is a room. Engineer Nash stated it is not defined at all, and because of that, the porch is not part of the building, so technically, according to your own ordinance, you can't count it. There is no definition of building coverage, and there should be a definition for lot coverage. I am taking the ordinance literally and this is the number I come up with.

Chairman Dunning asked if there would be enough parking for two cars off the street. Engineer Nash believes so. Mr. Moon said yes that they would still have room for two cars.

Member Levine asked if the rebuilt proposed porch was going to be the same footprint as existing? Mr. Moon answered yes. It is going to be elevated with a roof over it, but not closed in. Member Levine also asked if the services to the house had to be updated? Mr. Moon said no as far as utilities go. Chairman Dunning mentioned that the dryer vent

coming out of the basement would be covered up by the side porch so the builder will have to relocate that and some of the wiring located in that area.

OPEN HEARING TO THE PUBLIC: Does anyone in the public have any questions or statements on this application?

Seeing and hearing none, we closed the public portion.

MOTION TO GRANT THE REQUIRED VARIANCES: SIDE YARD VARIANCE FOR 8.68 FEET; TOTAL SIDE YARD VARIANCE OF 13.60 FEET; REAR YARD VARIANCE OF 38.86 FEET AND A 2.4 FOOT REAR YARD VARIANCE FOR THE STORAGE SHED IN THE BACK OF THE PROPERTY: made by Member Willse, seconded by Member D'Alessio. Voting yes were Chairman Dunning, Members D'Alessio, Ludwig, Willse and Levine.
Motion Carries.

PUBLIC DISCUSSION: None

RESOLUTIONS: None

CORRESPONDENCE: Disclosure Forms need to be in by April 15th.
Letter regarding COAH. Attorney Mondello advised the Supreme Court brought COAH back in to take a look at it. This issue is still up-in-the-air.

VOUCHERS: submitted by Ronald P. Mondello, Esq. for Attendance at April 6, 2011 Meeting in the amount of \$300.

MOTION TO APPROVE: made by Member Ludwig, seconded by Member D'Alessio. Voting yes were Chairman Dunning, Members D'Alessio, Ludwig, Willse and Levine.

VOUCHERS: submitted by Boswell Engineering for 1040 Ringwood Avenue, LLC in the amount of \$513; for Lane Application in the amount of \$213.75; and Moon Application in the amount of \$470.25; which invoices total \$1,197.

MOTION TO APPROVE: made by Member Ludwig, seconded by Member D'Alessio. Voting yes were Chairman Dunning, Members D'Alessio, Ludwig, Willse and Levine.

MOTION TO APPROVE MARCH 2, 2011 MINUTES: made by Member Willse, seconded by Member D'Alessio. Voting yes were Chairman Dunning, Members D'Alessio, Willse and Levine. Member Ludwig abstained.

ENGINEER'S REPORT: Nothing new to report.

DISCUSSION: None

MOTION TO ADJOURN AT 8:46P.M.: Motion made by Member Ludwig, and seconded by Member Willse. Motion carried by a voice vote.

**Jennifer A. Fiorito
Board of Adjustment**