

REGULAR MEETING

Salute to Flag: 7:06PM

OPENING STATEMENT:

This is the 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 on January 10, 2024 respectively, and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque, on the Borough's website and a copy thereof has been on file in the Borough

ROLL CALL: Chairman Jack Dunning, Members Frank Covelli, Dana Lynch, Helena Aumenta, Michael Sbarra, Vincent Farinella and Edward Bonner and Attorney Ronald Mondello and Engineer Christopher Nash

ABSENT: Vice Chairman Bruce Grygus and Member Donald Ludwig

Alfred Acquaviva, Esq., attorney for Applicant 921 Ringwood Avenue, LLC, is running late due to the weather and road flooding and should be here by 7:15pm.

PUBLIC DISCUSSION: No one from the public came forward.

RESOLUTION: ZBA2023-06 - Theresa, Martin

Attorney Mondello: I apologize for sending this Resolution out a bit late, but it did consume quite a bit of time and, if the Board is not comfortable with Memorializing it tonight, we can do it at the next meeting. After all, it is a Denial so the Applicant is not chomping at the bit to have this Memorialized, but if there aren't any objections, we will move ahead. Everybody is familiar with Martin Theresa's Application with respect to the shed and the gazebo and where it is going to get moved, etc., so the Board obviously Denied this Application and I put a quite a bit of caselaw and some testimony from Mr. Theresa as to why the Board decided to Deny his Application for those four variances that he was seeking. If there aren't any questions, I'll entertain a Motion to Memorialize, followed by a second. A Yes Vote is an Affirmative of the Denial.

MOTION TO MEMORIALIZE RESOLUTION: made by Member Bonner, seconded by Member Aumenta. Voting yes were Chairman Dunning, Members Covelli, Lynch, Aumenta, Sbarra, and Bonner

Vice Chairman Grygus abstained and Member Farinella was not sworn in for the first meeting, but did attend second meeting.

**CORRESPONDENCE:** None

**VOUCHERS:** submitted by Ronald Mondello, Esq. for the Theresa Application in the amount of \$1,400; and for attendance at the April 3, 2024 Meeting in the amount of \$500.

**MOTION TO APPROVE:** made by Member Lynch, seconded by Member Bonner.

Voting yes were Chairman Dunning, Members Covelli, Lynch, Aumenta, Sbarra, Farinella and Bonner

**VOUCHERS:** submitted by Boswell Engineering for the 921 Ringwood Avenue Application in the amount of \$424; for the Gorge Drive New House Application in the amount of \$519; and for the Scenic Landscaping Application in the amounts of \$2,385.

**MOTION TO APPROVE:** made by Member Bonner, seconded by Member Lynch. Voting yes were Chairman Dunning, Members Covelli, Lynch, Aumenta, Sbarra, Farinella and Bonner

**MOTION TO APPROVE MARCH 6, 2024 MINUTES:** made by Member Lynch, seconded by Member Bonner. Voting yes were Chairman Dunning, Members Covelli, Lynch, Aumenta, Sbarra, Farinella and Bonner

**ENGINEER'S REPORT:** Scenic Landscaping

Engineer Nash: I went out there today and it was a good day to go and look at it. They have a small detention basin, if you will, and it had no outlet before. So when I met with them a month ago, they agreed to put a pipe in and pipe across Jefferson. They did that, and I looked at it today after almost 36 hours of rain, and it is draining out of the pipe so that is not going to be a problem. The problem was it was filling up and flowing in the wrong direction so now they have directed all of the runoff off the Reilly property. I am satisfied with that. I just have to look at Jefferson. The water is coming down into that little swale and it is filling up so I have to work with them next week.

Chairman: As long as you stay on top of it.

Engineer Nash: We can close the book on it and then see a letter next month hopefully closing the matter out.

Chairman: Have you received any complaints.

Member Aumenta: Not to me, but they know who to go to.

Engineer Nash: It is not complaint free.

**DISCUSSION:** No Member on the Board had any items to discuss.

**Application ZBA2023-01 – 921 Ringwood Avenue, LLC, 921 Ringwood Avenue, Haskell**

**Alfred Acquaviva, Esq. representing the Applicant in this matter. The property is located at 921 Ringwood Avenue. I am sure you are familiar with the property. It is a very oddly shaped property. It's essentially a triangle where it comes to a point in the back. Much needed improvement is needed on this lot to the building and to the grounds. What the Applicant is proposing tonight, and with the assistance of the Construction Department, and we appreciate that because we originally submitted plans for a commercial unit in the front, residential towards the back and it wasn't going to fly. It didn't work. Applicant went back and redid the plans and came up with a new proposal of four (4) residential units. The entire building would be rehabbed externally, new roof, aesthetically the inside of the building. There is an old pool in the back and propose to fill that in so that there were be that much more use of space back there. Parking is satisfied, however, pursuant to your Planner's Report, we are prepared to offer testimony about certain nuances on how deliveries are going to work, and the format of the spaces. That is a general synopsis of the plan. I have two witnesses tonight; the Engineer and Architect. Why don't we have the Site Plan first by our Engineer and then my Architect will come up on the specifics.**

**Attorney Mondello swore in Engineer Raymond Moraski with Koestner Associates, 61 Hudson Street, Hackensack, NJ. Engineer Moraski has a Bachelor's Degree from Pennsylvania University in Economics with a Minor in Mathematics. Additional Engineering Courses in Preparation as a U.S. Naval Officer and additionally Course Work in New Jersey Institute of Technology specifically in Land Surveying and Civil Engineering. Appeared before numerous Boards in Bergen and Passaic Counties such as Clifton, actual Planning Board for the County of Passaic, West Milford, North Haledon and Haledon.**

**Attorney Mondello: Any objections from any of the Board Members? Hearing none, seeing none, we will admit this Expert Witness in the field of Engineering. Your witness.**

**Attorney Acquaviva: Your company actually prepared the plan for the property at 921 Ringwood Avenue, the application tonight?**

**Engineer Moraski: That's correct.**

**Attorney Acquaviva: Is that what is behind you right now, which is the one before the Board tonight?**

**Engineer Moraski: That's correct.**

**Member Covelli: As a point of parliamentary order, my home address is 906 Ringwood Avenue. Am I within the 200'?**

**Board Secretary: Did you get a Notice?**

**Member Covelli: I didn't get a Notice, but want to make sure I don't have any conflicts.**

**Board Secretary reviewed the 200' list and confirmed that Mr. Covelli's address was not on the 200' Search List.**

**Attorney Acquaviva: Sir, if you weren't on the List and the List was provided to us by the Tax Assessor and I believe it was approved procedurally before we appeared tonight.**

**Attorney Acquaviva:** Mr. Moraski, again, the Plan behind that is the Final Plan that the Applicant submitted before this Board?

**Engineer Moraski:** That is correct.

**Attorney Acquaviva:** Can you explain the Site Plan semantics of it and the details of your Plan.

**Engineer Moraski:** As indicated this is currently a developed residential property with ancillary improvements with an inground pool, several sheds, which are all intended to be removed. The Architect will enlighten you on the specific addition toward the rear from the existing dwellings. A portion of the existing dwelling will remain and then the addition to the rear with the three units in addition to the existing residential unit will remain.

**Attorney Mondello:** Mr. Moraski, you are pointing to something so tell us what that is and we will mark it as Exhibit A-1.

**Engineer Moraski:** This is a Site Plan prepared by Koestner Associates first dated September 9, 2023 prepared for Leo Smith and last revision date is 3/14/2024 which reflects a revision to the drainage calculations and the drainage design.

**Attorney Acquaviva:** The addition is a residential addition, correct?

**Engineer Moraski:** That is correct.

**Attorney Acquaviva:** And that would result, if approved by the Board tonight, in four (4) residential units, correct?

**Engineer Moraski:** Including the existing and the proposed, correct.

**Engineer Moraski:** In support of those residential units, we are proposing to expand the curb cut and provide parking spaces of a total of eight (8) spaces, which include one (1) Handicap/ADA space in addition to the others. There would be four (4) typical parking spaces towards the front of the property, the one (1) ADA space and then, in the rear, is three (3) additional overflow parking spaces to provide for the total amount for the four (4) units.

**Attorney Acquaviva:** In terms of variances, if I'm not mistaken, we have one (1) new variance that is being created and that was for the total side yard, correct?

**Engineer Moraski:** For the building and improvements, yes. There are some other parking issues that were brought up as well.

**Attorney Acquaviva:** Why don't we address that a little bit and I am referring to the Borough Planner's review from February 15<sup>th</sup>. In terms of the parking spaces, you've situated parking spaces in the, as oddly shaped as it is, we'll call it the front of the building. Could you explain the parking configuration to the Board please and the reason for it being situated the way it is.

**Engineer Moraski:** There is an existing curb cut which will be proposing to relocate and expand in that vicinity to access the property to get the required 25' access for the parking we've provided that and then provided the parking along the property line to provide for that space between those parking spaces and the proposed building. Going to the rear and, again, to provide the 25' access for travel lane is where we've placed it in the rear, with one exception is that at the ADA space, because of the configuration of the lot, we do narrow it to less than the 25' access lane at the point.

**Attorney Acquaviva:** Obviously, on the plan we are showing the pool there and that pool is coming out, correct?

**Engineer Moraski:** We are showing that existing pool and we are labeling it to be removed and filled in.

**Attorney Acquaviva:** That will be part of the lot, so to speak?

**Engineer Moraski:** That's correct and graded accordingly.

**Attorney Acquaviva:** Now, in your professional opinion, given the shape of this property and what has been proposed, is that the best configuration for parking that you could have planned?

**Engineer Moraski:** This was the best option that the firm, Mr. Koestner, came up.

**Attorney Acquaviva:** And by doing that, you are satisfying the number of parking spaces pursuant to the Borough Ordinance?

**Engineer Moraski:** That is correct.

**Attorney Acquaviva:** One note from the Planner's Report is that the parking space dimensions proposed to be 9x18. Essentially, a 10x20 parking space is required. In our professional opinion, are those parking spaces adequate size and width for cars to access them and back out and do what is needed for ingress and egress of the property?

**Engineer Moraski:** The proposed size of the parking spaces is not atypical throughout New Jersey and, in fact, comply with the New Jersey Residential Site Improvements Standard. So, although they are not the Borough's requirements, they are State standard.

**Attorney Acquaviva:** One of the concerns from the Planner/Engineer is how a delivery vehicle or an Amazon van or a Federal Express truck, since this is a residential property, how the vehicle would enter, exit the property safely onto such a busy road as Ringwood Avenue. Could you detail that a little bit and how that might work?

**Engineer Moraski:** I believe the way that it currently operates and, again, it's not atypical to most residential properties, is that delivery vehicles – This property, the P.Q. is directly across from Smith Avenue where there is parking available and currently the delivery vehicles pull into parking spaces over there and hand delivery across Ringwood so we would envision that similar procedure would remain.

**Attorney Acquaviva:** In your professional opinion, you don't see any problem with that in terms of not changing the method of delivery vehicles with the proposed Application?

**Engineer Moraski:** That's correct.

**Attorney Acquaviva:** I believe that is all I have for Mr. Moraski.

**Member Covelli:** Mr. Nash, how big is this property?

**Attorney Acquaviva:** The property is 11,064 square feet and the configuration is a triangle. Your minimum is 10,000 square feet. There is no variance for this.

**Chairman:** You are talking about trucks. You have a recycling and a trash enclosure. How does a garbage truck back into that, load and unload and get out of there?

**Engineer Moraski:** Well, again, my understanding of the current operation for the refuse removal is that the containers are brought to the curb for pick-up on scheduled maintenance so we envision that might be the optimum way to continue with this.

**Chairman:** If you are going to bring a truck in there to pick them up, or you saying they are going to bring out barrels to the curb.

**Member Lynch:** Yes, the town.

**Engineer Moraski:** That's my understanding is currently that's the way it operates and we would recommend that it continue that way.

**Attorney Mondello:** I think the problem is you have indicated there is going to be garbage bins on your Site Plan and now you are saying, well we are not going to use those garbage bins, we are going to carry out garbage cans. Is that the testimony?

**Attorney Acquaviva:** Counsel, if I can, I think the Plan shows the area where the trash cans will be located, not necessarily dumpsters and a private pick-up.

**Attorney Mondello:** It says "Recycle 5 Cubic Yards".

**Attorney Acquaviva:** That's the area where the garbage will be. My understanding it will be brought out to the curb.

**Chairman:** So the garbage trucks will never be entering the site?

**Attorney Acquaviva:** Correct.

**Engineer Nash:** That is the area where the garbage cans are going.

**Engineer Moraski:** That's correct.

**Attorney Acquaviva:** We'll amend on the record and, obviously if there is an approval tonight, that would be a condition that the trash cans, and not dumpsters, would be used for pick-up.

**Chairman:** Cars will be coming in between the walkway in front of the new building and the trash containers and handicap parking space, how much footage is there?

**Engineer Moraski:** I'm sorry, can you clarify the question?

**Chairman:** There is a lot of discrepancies between this plan and A-1.

**Attorney Acquaviva:** Mr. Chairman, which Plan are you referring to? It's not that Plan?

**Chairman:** You have a second Plan here called A-1 from the Architect.

**Attorney Mondello:** He is comparing what is up there to what the Architect has done and he believes there are discrepancies.

**Chairman:** One plan is different than the other with the number of parking spaces, aisle spaces, how close the parking is to the roadway. One plan shows a buffer by the sidewalk. The other one is the parking spot is against the sidewalk.

**Engineer Moraski:** I can't address A-1, the Architect's Plan. I guess the Architect will have to address that.

**Chairman:** Obviously, the Architect will address that when he comes up. So we have to come up with answers to what some of these measurements are. There are no measurements on the Plan from the corner of the new building and the handicap spot, the garbage bins. It's not 25' or 24' for the cars going into the back parking area.

**Engineer Moraski:** That's correct. My testimony already indicated that it tapers down less than 25' at the ADA space/handicap space.

**Chairman:** It tapers down about 15'.

**Engineer Moraski:** That's correct.

**Chairman:** Because the other Plan is different.

**Engineer Moraski:** The other Plan being A-1, the Architect's Plan.

**Chairman:** A-1 is different than your Plan so it's a little hard to follow, okay which one are we looking at. Which one of them do we work with?

**Engineer Moraski:** I'm defending my Plan, the Site Plan. I feel that is what I want to present to you.

**Attorney Mondello:** At this point Mr. Acquaviva, do we know which one might be more accurate?

**Attorney Acquaviva:** I believe that, as far as the parking and the configuration, it is that Plan, but I would like to have the Architect come up and testify to see if there is any discrepancies between the two that we need to clarify.

**Chairman:** One Plan shows 8 parking spaces and the other Plan shows 9.

**Engineer Moraski:** I know that there have been several revisions along the way since this process has been ongoing.

**Attorney Acquaviva:** Currently, I am looking at your Engineer's Report. He is showing 8 and that plan is showing 9?

**Attorney Mondello:** The Architect's Plan is showing 9.

**Engineer Moraski:** The Site Plan shows 8. I believe it is 8.

**Attorney Mondello:** We can correct those things on the record when the Architect is sworn Mr. Chairman. We'll figure out which one is the Applicant's Plan.

**Chairman:** Surrounding properties, you don't show anything on either side of the building. How close are the buildings to the and south since this building you are talking about is 4' from the property line?

**Engineer Moraski:** Yes, given the shape of the lot, it is. The current setback for the existing dwelling that's remaining, the setback to the side yard is 1.3' so we are recessing it.

**Chairman:** I'm asking about what is next door. How close is the back of these buildings?

**Attorney Acquaviva:** When you say the back, are you talking about the point? Are we looking from Ringwood Avenue or we looking to the right or looking to the point?

**Chairman:** I am standing in front of the new building.

**Attorney Acquaviva:** Staring at the building.

**Chairman:** Staring at the new building. The rear of the building is 4' from the property line.

What is on the other side of the property line on Tax Block 304.01?

**Attorney Acquaviva:** Mr. Moraski if you know that answer. Obviously, I don't know it.

**Engineer Moraski:** I believe from my recollection there was a driveway that serves a single-family dwelling, but I would have to verify that.

**Chairman:** Looking to the north, you have Lot 9, 10 and 7. Lot 10 is maybe 25' wide. It is a very narrow Lot. Is there a building on Lot 9? Is Lot 10 a driveway?

**Attorney Acquaviva:** Mr. Chairman, obviously I can't testify but I went online real quick and it looks to me that, if you are Ringwood Avenue and are looking to the right, there is another residential property to the right. It looks like a yellow house.

**Chairman:** It shows 3 Lots there. Are they different owners? Are they 3 different structures.

**Attorney Acquaviva:** I can only see a yellow house from the road.

**Chairman:** And to the south of the property, Lot 4 isn't a big lot. Where is the structure on that lot?

**Attorney Acquaviva:** I don't see one.

**Chairman:** Here is my problem. You are going to have parking right into that Lot 4. Is there any buffer there to keep the headlights out of the house next door?

**Attorney Acquaviva:** We can certainly propose something.

**Chairman:** This what we're talking about. In the other plan, you have 6 parking spaces there starting right at the sidewalk. It says there is a site plan fence, then haphazard wood fence. What is there to protect the neighbor from the headlights?

**Attorney Acquaviva:** I don't believe that anything is proposed in the application. I mean, we would certainly be amendable to do a light hedge row of some sort or a decorative fence.

**Chairman:** You are parking basically right against the fence.

**Engineer Moraski:** We had submitted previously a landscaping plan which shows a hedge row further back from the parking where you are speaking about and we are showing a cyclone fence given the limited distance that you are referencing between the proposed parking spaces and the property line.

**Chairman:** I mean you prepared two plans where there is parking, and they differ a lot, but both of them head into the fence. There is no buffer there. There should be a buffer there by code.

**Engineer Moraski:** This emphasis on this Plan was to provide the 25' access lane as best given the configuration of the site and the location of the existing building and the space available.

**Attorney Acquaviva:** Mr. Chairman, I am looking, again, online. It looks like there is a small chain link fence with some ivy or some growth over it.

**Chairman:** All it says is a chain-link fence.

**Attorney Acquaviva:** Right, and that is right where the cars would pull up to on the property Application.

**Chairman:** It is basically the property line.

**Attorney Acquaviva:** It is the property line.

**Chairman:** Are you going to put something there like a solid fence to stop headlights from washing onto the property?

**Attorney Acquaviva:** We could.

**Chairman:** Both Plans show that you are right up against the property line.

**Attorney Acquaviva:** We certainly could. I don't think that would be a problem. I am looking at the photo now of the property line and, essentially, as we said, it is an old fence that looks it goes all the to the back with some growth over it. What we would propose, and I'm sure the Applicant would not have a problem with it, is a block fence, a fence with slots that would block the headlights from the property next door. There wouldn't be a problem to do that.

**Chairman:** It is your Application so you have to tell us how you are going to correct some of the sins that we have.

**Attorney Acquaviva:** We would correct that one in that way.

**Chairman:** What zone is this property in?

**Attorney Acquaviva:** It's your Mixed Business Zone, isn't it?

**Chairman:** We have communication from your office that called it an R-5 Two Family. I still don't know what that is.

**Engineer Moraski:** I can't address that I will chime in that it is the B Zone, but there are certain criteria given the fact that we are providing residential property that R-10 Zone Criteria has to be utilized for some of the analysis. I don't know because you are talking a different zone now so I'm not sure.

**Attorney Acquaviva:** I know it is your B District. I know that.

**Member Sbarra:** Let me as you, if it is in the B District are you guys seeking a D-1 then?

**Attorney Acquaviva:** It is a Use Variance; that is why we are here, yes. Initially, and maybe some of the confusion comes the two applications, we had submitted an application for review that had a commercial, store in the front. That was revised to this Application today. It still requires a Use Variance because we are now looking at 4 residential units in a Business Zone. That's the purpose for the D-1 Variance.

**Chairman:** While we are kicking around the parking spaces, we would like to see some 10x20s especially on a tight piece of property because an 9x18, an F-150 Ford, doesn't fit in. It sticks out 2' or 3'. Something with a Dodge, GMC, all of them. They are all 20' and if you put a trailer hitch on it, you are 20' and a couple of inches. With narrow spaces, that's a big problem.

Another issue I have with all 2 bedroom apartments, some of them might have children that have a driver's license, which creates a need for more parking. You have one extra spot, which is a



plus. I don't know how you are going to do it, but here's my big problem; The Jones live there, Mrs. Jone's mother wants to come over for coffee at night but there is no place for her to park. Where does she park? There is no parking within two blocks of that building. It is a difficult spot. Is there any way to squeeze another parking space or two in here.

Attorney Acquaviva: I differ to the Engineer. I don't know if it is possible.

Engineer Moraski: Generally, you try and limit the amount of impervious area that you are adding to a site so again we were complying with the required amount of spaces that were required and not exceeding the impervious any more than we needed to. I'll look at it, but we can probably still do the 10x20 and provide the 25' access, and back to you other question, of relocating some of the spaces to provide some buffer area.

Chairman: A lot of handicap vans that have a remote lift on the side to get a wheelchair down are quite long. They don't fit in 9x18 too well. You've got the space on the side but you don't have the length, especially where this is because it is the tightest space as you get towards the back of the building. Maybe that has to be addressed as part of that location there.

Engineer Moraski: I'd be happy to look at that for the Board.

Member Covelli: Perhaps I am looking at this the wrong way, so I'm looking for guidance. I don't see any pervious on this Application. Everything seems to be impervious. Obviously, where the building sits is impervious, all of the parking and spaces are impervious, your eliminated the backyard so anything that was there, that was pervious, becomes impervious. So when you say you are meeting the requirements, what's pervious? I assume the basketball court – is it grass?

Engineer Moraski: No. The remaining area in the back in the area of the point of the triangle is grassed area. The area in the back, the triangle piece beyond the basketball court, is a proposed grass area. Where the lot comes to a point at the rear property line.

Attorney Mondello: Next to the proposed basketball half court; to the left of it.

Engineer Moraski: We also have an area of grass in the front of the building between the building and the right-of-way line.

Member Covelli: That little area of grass. A green spot.

Engineer Moraski: We also have green space along the right-of-way line between the building and the parking and the right-of-way line.

Chairman: All the way in the front.

Engineer Moraski: Correct.

Engineer Nash: One of the difficulties of a Site Plan, when you try to squeeze everything in, they go right to the property line with the paving. Two things with that. One is the grading on the adjacent property has to exactly match. There is no grade shown off the property so you don't know if it matches. Secondly, you are trying to park right to the property line so your front bumper is not going to hit the fence so you are not going to get the full benefit of the depth of the parking space just because you are going to shy away from the fence. The stripe goes right to the fence. Usually, your stripe goes to the curb and you have some room so you could probably could overhang the curb. Here you don't have that. It is fence and then the stripe comes out. To your point Mr. Chairman, there is no buffer between the two properties. There typically is a buffer. It is a residential property but it's not a single-family home. Since there are four families living here, it is taking up a lot of space and not creating a buffer between the single-family homes that are on the side. I know it is a Business Zone but, if there were a business, exclusively a business,

you'd have the same issues. We would want a buffer between the properties. We want the use to stay on this property and not go to the property line and cause problems for the neighbors.

**Chairman:** What happens if it snows? Where do you pile the snow?

**Engineer Moraski:** You can speak to the Applicant. I'm not sure, but when it snows, it's not basketball weather, so they might temporarily use that area.

**Chairman:** In other words, in the front, if you push it up against the fence, then the cars are going to stick out further in the right-of-way.

**Engineer Moraski:** Understand.

**Attorney Acquaviva:** Mr. Chairman, if I may, based on the questions of the Board, what I would like to do is request an adjournment and have a chance for the Applicant to sit down, maybe re-work the plans with a little bit more detail with the Engineer and Architect.

**Chairman:** I'd like to hear from the Architect on the differences.

**Attorney Acquaviva:** You can hear from the Architect as well tonight, but I was going to say I'd request an adjournment because it doesn't seem we are going to be able work through the issues that you are pointing out and I don't the Architect is going to address them either.

**Chairman:** Have you gone to the County for this yet? Ringwood Avenue is a County Road, so they would be the ultimate authority on what you can do.

**Attorney Acquaviva:** We know that. Normally, when I handle these applications, we go before the Board first, we get the approval from the Board and then we go to the County.

**Chairman:** If you are coming back, I would love to see buildings around this, what is there and how close are they, which has a bearing.

**Member Covelli:** I think the Applicant should consider whether they need to put 4 units up. The number of units, you are really packing 20lbs into a 5lb bag.

**Member Lynch:** Yes, it is absurd.

**Attorney Acquaviva:** You have 3 there already.

**Member Aumenta:** The configuration is there.

**Member Lynch:** You are going to tell me the cars, with the parking, will work.

**Chairman:** What is there now, used to be a house with a garage. Somewhere over time, the garage disappeared and the other half of the house appeared. I don't know if that was ever done with permits, but it is what it is.

**Attorney Acquaviva:** But certainly, Mr. Chairman, if you want to hear from the Architect tonight.

**Chairman:** Yes because his plans to match the Engineer's Site Plan.

**Member Covelli:** Is there anyone in the public that is here to speak on behalf of this Application?

**Attorney Mondello:** Thank you Frank, I was going to say before we release Mr. Moraski. Are there any questions, questions only, not comments of I don't like this Application, I live next door; questions on the testimony that he has provided thus far? There will be a long opportunity for you to comment and get sworn in and explain what you like or don't like. So this is questions, and questions only, for Engineer Moraski? Hearing none, seeing none. There will be a large opportunity Mr. Covelli because they are coming back.

**Member Covelli:** Only because, to Counselor's point, if he is on a fact-finding and wants to gather information to re-work or re-vamp any part of the Application, perhaps he wants feedback from the neighbors.

**Attorney Mondello:** That's the Board's prerogative.

**Member Covelli:** Again, we are not here to debate it and we're not here to do anything than offer constructive prospective.

**Attorney Acquaviva:** With all due respect, we are not on a fact-finding mission. Obviously, we submitted an Application, we are hearing in put, we are hearing the Board's concerns and we want to address those concerns and we are not going to be able to address those concerns tonight. We're not looking to the Board to design the Application either, or design the project. We are looking to the Board to present the Application and obviously, there is work that has to be done. The Professionals have to get back to together.

**Chairman:** It's a difficult piece of property because of the shape of the property. That's the hardship.

**Attorney Acquaviva:** It is and the problem we have is that if somebody were to come back and put a one-family home there, that would be great, but the odds of that happening.

**Chairman:** They're going to stay with what is there.

**Attorney Mondello:** How does the Board want to handle this? It is pretty unusual, but do you want to hear some comments from, presumably, objectors, or can we get to the Architect and just adjourn to the next meeting?

**Chairman:** I think the safest way is to get to the Architect and try and get these 2 Plans working together.

**Attorney Acquaviva:** That's fine.

**Attorney Mondello:** Mr. Moraski you are released. Next witness is the Architect. Please come up.

**Attorney Mondello sworn in Todd Koenig, the Principal of Todd L. Koenig Architect, P.C., located at 175 North Main Street, Wharton, New Jersey. Architect Koenig attended Mount Tennyson University and practices architecture in New York, New Jersey, Pennsylvania, Connecticut since 1987. Appeared before Boards in Passaic, West Milford, Hillsdale.**

**Attorney Mondello:** Mr. Koenig, unless there are any objections from the Board Members, is admitted as an expert in the field of Architecture.

**Member Aumenta:** It looks like a Harry Rothstein is the one that did the plans.

**Architect:** Apparently, Mr. Rothstein, who prepared these plans, does not appear before Boards, so the Applicant has retained to make this appearance.

**Attorney Mondello:** That is pretty unusual but, having said that, have you had any conversations with the author this Architectural Plans?

**Architect:** I have not. I've just reviewed the Plan myself and I will also stipulate that I did not spend a lot of time reviewing the Site Plans because I knew we had a Site Engineer.

**Attorney Mondello:** Would it be fair enough to say, you believe this may be inaccurate as opposed to Mr. Moraski's Site Plan.

**Architect:** I would say, categorically, in any case, whether I'm the principal participant or not, that the Engineer's Plans governs and the Architect's Plan, which I see here is, appears to be very conceptual. Again, I would stipulate that the Engineer's Plan is the Official Plan.

**Attorney Mondello:** That may answer your question, Mr. Chairman.

**Attorney Acquaviva:** Well that would mean that the Plan being proposed is 8 parking spaces.

**Attorney Mondello:** Having said that Mr. Chairman, perhaps we need not dive into the Architect's testimony because this apparently is somewhat inaccurate and he may have to go back and take a look at the Site Plan because that's going to change, I think.

**Architect:** Certainly, but if you want, is there anything you want to know about the building.

**Chairman:** Let me ask you this. You're going to come back. The Attorney is going to get all of this together and make it perfect and you are going to come back. Who is going to redraw this Plan, you or the other architect?

**Architect:** I would assume Mr. Rothstein, but that's to be determined.

**Chairman:** You are going to inherit another situation.

**Architect:** Yes.

**Chairman:** Do you have a copy of that Site Plan?

**Architect:** I do not actually.

**Chairman:** I would suggest, before we get too far along down the road, you should have a revised Site Plan to show this Architect because he has to deal with it and explain it to the Board.

**Attorney Acquaviva:** This is news to me tonight.

**Attorney Mondello:** Perhaps you can have those conversations or redraw this because it is most unusual that we have an author of an architectural plan that has absolutely no relationship to that author testifying.

**Architect:** I'm told it is done, but I have never done it before.

**Chairman:** Board Members, do you have any questions of the Architect on the plans that we are looking at right now?

**Member Aumenta:** No questions, but I think it is important to note from the Engineer talking about a handicap ramp, talking about the concrete apron for ADA standards, that all of that needs to be incorporated into the plan.

**Member Sbarra:** I thought I saw in the basement of the building of all the units, the basement, itself, I believe is including a 1/2 bath, correct? Of is it a full bath?

**Architect:** It's a 1/2 bath.

**Member Sbarra:** Why is there a 1/2 bath in the basement? I'm hoping that is not ultimately going to turn into a bedroom?

**Architect:** That would be the wish of the client and I don't know why he wanted that. Could be that they have an intention of having some activity down there.

**Chairman:** What kind of activity? It may be the wrong kind of activity.

**Architect:** That I can't testify to.

**Chairman:** It happens in this town and it happens in other towns, all of the sudden the basement becomes another apartment.

**Architect:** I don't see how that could possibly happen here.

**Chairman:** It is big enough.

**Architect:** It is big enough, but there is no kitchen or food facilities.

**Member Lynch:** You don't need a kitchen. They have Door Dash and Uber Eats.

**Member Sbarra:** To that point, if that becomes another bedroom then potentially it might add to the parking.

**Architect:** It can become a bedroom legally. It would just have to meet the code.

**Chairman:** In some of the newer developments in this town, we have had a water problem with people trying to dig a basement. We have an extremely high water table in town probably because of the Reservoir. You dig down 6' and you want to have an 8' ceiling, you hit water and then you have to pump it out. Has anybody done any research with that? Is the basement going to work without creating a major problem?

**Engineer Nash:** I would suggest the Engineer do a test hole for the seepage pits.

**Architect:** There is an existing basement in the existing building.

**Attorney Mondello:** Mr. Acquaviva, do you think you need 30 days, 60 days and I certainly would suggest that the Architectural Plan somehow be done under the supervision of someone.

**Attorney Acquaviva:** A year and half too long. 60 days.

**Attorney Mondello:** The Board has no issues with that. Mr. Acquaviva, I have to ask you if you'll extend any time within which the Board is constrained to render a decision, right?

**Attorney Acquaviva:** Yes, always.

**Member Bonner:** I imagine that the project is first analyzed by engineering, which is why you need four units to make it work. However, you sir, because it is a triangle property and we have one ninety degree angle, would it be more efficient to move the building to the other side to get the four units you need. Maybe put it on stilts.

**Architect:** I don't believe the ground is a problem for us, it's the roadway. I don't think the property renders the necessity of stilts but we can take a look.

**Member Bonner:** I agree with the Chairman that the site is tight.

**Chairman:** Has the Applicant tried to purchase a surrounding property?

**Attorney Acquaviva:** Not to my knowledge. It has not been mentioned to me, so I would say no.

**Chairman:** It is an odd site.

**Attorney Acquaviva:** Like I said, it hasn't been brought to my attention, so my answer has to be no.

**Chairman:** It's a basic question because if you buy a couple feet here and there it makes a big difference.

**Attorney Acquaviva:** It's a great question, but I have to say that it is no because it wasn't pointed out to me.

**Chairman:** You could ask him.

**Attorney Acquaviva:** I'll ask him, but as we sit here right now, I'm sure they would have said something to me but no.

**Member Covelli:** You also understand that it helps us with the hardship, if that question is answered.

**Attorney Mondello:** In the negative, we've asked six neighbors and nobody wants to sell.

**Member Aumenta:** Yes. We are looking at a Use Variance.

**Attorney Acquaviva:** Keep in mind that it is a Business Zone. If they wanted to put a business in there, and not do much in the way of construction, they can apply for permits and have a business operate there but I'm not sure that's a better option.

**Member Aumenta:** We would still be having this conversation because they would still have to comply with the parking spaces/area.

**Chairman:** The first application had retail businesses on the plan. So it may be worse when you figure in the amount of parking spaces between employees, customers, etc. and deliveries and everything else.

**Attorney Acquaviva:** It became obvious to us that a retail business on that lot wasn't going to work in many perspectives.

**Member Covelli:** Ron, does the municipality earn any credits towards this expansion with a multi-unit.

**Attorney Mondello:** No.

**Member Covelli:** Our focus is supposed to be in that direction because I understand that the State would like to see that too.

**Chairman:** The other question the State wants, and if you consider this new construction, is e.v. chargers. Under the new State Regulations, any new construction, based on the size of it, has to put in chargers, which there are no guidelines for that in the State yet. They approved them but didn't tell you how to do it.

**Attorney Acquaviva:** Unfortunately, I am familiar with it.

**Chairman:** So that is something else.

**Engineer Nash:** Mr. Chairman, I think they fall under the minimum number of spaces that are required.

**Chairman:** That's why I'm asking since I don't know what the number is.

**Engineer Nash:** I'd have to look it up but I'm pretty sure it didn't apply here.

**Attorney Acquaviva:** Yes, I don't think it applies to the four units. I think it applies to larger units.

**Chairman:** You might want to check that while you are redoing the plan.

**Attorney Acquaviva:** Yes, I'll check into it, but my experience is that a building this size, it doesn't apply to yet, even though the specifics aren't really out there yet.

**Chairman:** Check with the water department, the sewer department, the first aid department and the fire department because the last couple applicants we've had big issues with the fire department getting their equipment onto a site. That's a major problem. In a multiple story building they have a 100' ladder truck that is huge and if they got in here, they'd never get out.

**Attorney Acquaviva:** Mr. Chairman I understand that. I don't see how it would be different than what is there now.

**Chairman:** The parking is totally different.

**Attorney Acquaviva:** I'm just saying the lot configuration is not going to change. The building that is there now is still going to be the building that is there now with one unit added onto the back.

**Chairman:** You'll have a lot more people living there.

**Attorney Acquaviva:** I don't know about a lot more; one more unit.

**Member Aumenta:** You are changing the whole lot.

**Member Lynch:** Yes, it is way too much. There is not enough parking.

**Member Aumenta:** Between the parking and you are now going straight back with a much larger building.

**Attorney Acquaviva:** Right, but the proposal is for two-bedroom units. We are not looking at three or four bedroom units.

**Chairman:** Just with the parking. The State Guidelines says a one bedroom requires 1.8 parking spaces. Lets fact it, the average couple rents an apartment, that's two cars. So when you add the 1.8 up after awhile you are losing parking spaces.

**Attorney Acquaviva:** Every bedroom is two.

**Member Lynch:** With the cost of living, you can't tell me that there is not going to be two adults because you need two incomes to afford rent. I'm sure with the amount of rent that is going to be charged there's going to need to be at least two cars for each unit, if not three.

**Chairman:** That's why, with a two bedroom, I look at three.

**Member Lynch:** Yes.

**Attorney Acquaviva:** Mr. Chairman I'm not going to get into a debate because, obviously, it is getting adjourned. But the bottom line is your Ordinance says this is how many parking spaces are required. I understand the whole practicality of the whole thing. My issue is the parking requirement is being satisfied for what is being proposed. That's what it is and that's what your Ordinance says. The point is, the practicality of it all, will there be visitors there, yes, and how are we going to accommodate them, sure, but that's is what your Ordinance says. Second, in regard to the issue that was raised before about the bathroom in the basement, whether or not it stays there or not, okay, that falls within the realm of enforcement if all of the sudden someone finds that someone is living in the basement. That is beyond the prevue of this Board. Given everything that has been said, maybe that will be taken out too in any subsequent proposal, but I think some of the comments are going beyond where they need to go in terms of what is being presented.

**Chairman:** We ask a lot of questions.

**Attorney Acquaviva:** That's fine. Like I said, I'm not debating that particular issue. What I am saying though is, if your Ordinance says, and forget about what the State says, this type of a unit three spaces per unit is required, well we'd have another issue. We would need twelve spaces, but your Ordinance says eight (8) and we provided the eight (8).

**Member Aumenta:** Again, we have to look at the Use Variance. That is a whole other consideration so for that we're looking at hardship and thinking visitors and all of that, how is this going to effect the neighbor's around it, parking on another street and now they are taking up all of that, or they are parking on Ringwood Avenue and deliveries. We have to consider all of that. That's why we are asking all these questions.

**Attorney Acquaviva:** I don't disagree with you.

**Attorney Mondello:** I agree. The D-1 Use Variance changes the matrix, so to speak, but it is going to be adjourned until June 5, 2024 at 7:00pm, unless the Board has anything else.

**Member Covelli:** I think Helena made a very, very good point of framing the issue in terms that there is a hardship on the Applicant with respect to the property. There is hardship not only on the physical configuration of the property, but also where the property is located on a main throughfare where we don't have the luxury of street parking or the street being an overflow for any of the operations on the property that can spill over, so that puts an added burden. The burden on the Applicant is the fact that you are asking for a D-1 Use Variance, so there is a higher standard.

**Attorney Acquaviva:** Absolutely.

**Member Covelli:** So I think you did a very good job of framing that and I think that is a good point to leave with them.

**Attorney Mondello: We shall see you in June (June 5, 2024 at 7:00pm). There will be no additional notice for those folks/residents that are here for this Application.**

**Board Secretary: There will be no May meeting (May 1st). I will not be here.**

**MOTION TO ADJOURN AT 8:14PM: Motion made by Member Aumenta, seconded by Member Sbarra, and carried by a voice vote in favor.**

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**Jennifer A. Fiorito**  
**Board of Adjustment Secretary**