

REGULAR MEETING

Salute to Flag: 8:00pm

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 Herald News and the Suburban Trends on February 14, 2016 and February 17, 2016 respectively, and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque and a copy thereof has been on file with the Borough Clerk

ROLL CALL: Chairman Jack Dunning, Vice Chairman Bruce Grygus, Members Frank Covelli, Don Ludwig, Michael Levine, Susan Henderson and David Karp, Attorney Ronald Mondello and Engineer Christopher Nash

ABSENT: Member Peter Hoffman

**Application #ZBA2016-02 - New Cingular Wireless (AT&T), Applicant
4 Susquehanna Avenue, Haskell, NJ (Block 476/Lot 1.01)**

Christopher J. Quinn, Esq., the applicant's attorney, has requested, by letter, to carry this application to our May 4, 2016 Meeting.

MOTION TO CARRY APPLICATION ZBA2016-02 TO THE MAY 4, 2016 MEETING made by Member Covelli, seconded by Vice Chairman Grygus. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Ludwig, Levine, Henderson and Karp. Motion Carried.

Attorney Mondello commented that there will be no additional notice on this application. I did have some conversations with Attorney Quinn and there are some additional discussions between his client, AT&T, and the Borough as to where the cell tower may go and they may or may not be coming to the Board.

Application #ZBA2016-01 – John E. Crilly, Applicant
33 Wolfe Drive, Wanaque, NJ, Block 257, Lot 5

Attorney Mondello has reviewed the submissions by Mr. Crilly and the application is deemed complete and notice to the Suburban Trends is attached and notice to the residents within 200' and jurisdiction is vested in the Zoning Board to hear the application.

Attorney Mondello swore in John Crilly.

John Crilly Testimony

Mr. Crilly advised the Board that he has unused property on the left-side of my property looking from the street. I had a landscaper come and build a pad to put a shed, not realizing that I was going in front of the rear line of my home. When I read the shed permit, I realized I couldn't do it and had to come for a variance.

From the notes I received from the Board, besides moving from the back line of the property, I am a little bit short in terms of the 10' clearance. If you look at the survey and where my fence is, I am going to be a little bit closer than 10' in terms of the edge of the shed.

Attorney Mondello advised that the letter was from Engineer Nash dated January 22, 2016.

There was also a question about the height. I am looking at Home Depot and Lowes and the specs are all 8'. The measurements would be 8 x 12 and then 8 feet tall.

Chairman Dunning stated you supplied us with a drawing/site plan and have roughed in the location of the shed in the side yard starting at the rear of the house and coming towards the front of the house. There are no measurements on this.

Engineer Nash stated what we are looking for is what the offset is to the property line in the back corner of the house. That is the dimension we don't have.

Member Covelli stated that your site plan gives a dimension on the garage side to the property line, but doesn't tell us what is between the other side of the house and the property line and that is where you are locating the shed. If we were to grant you a variance, we have to "plug in" exact numbers as to the variance that is being provided to you.

Engineer Nash stated he scaled that back corner offset as 17.6'.

Chairman Dunning stated he measured it yesterday, and from the fence to his house is 18'. The Board advised Mr. Crilly that the fence is his neighbor's and he stated he brought the house with the fence there.

Mr. Crilly advised the Board that the pad is already there and it goes right up to the fence so it is approximately 17' and it really is, in terms of the depth, the whole side of the house.

Vice Chairman Grygus advised that when we grant a variance, we have to state “you are going to be no closer than x amount of feet off the house and no closer than x amount of feet off the property line”. That is why that measurement is somewhat critical. Do you know which way you are going to orientate the shed?

Mr. Crilly stated it will be 8 x 12.

Vice Chairman Grygus questioned is the 8 or the 12 going to follow the 17’ line?

Mr. Crilly stated it will be the 8. So it will be 8 deep and then 12 wide so I don’t go over the 100 feet. The door is on the 12 wide side and the door would face the side of the house.

Chairman Dunning stated you have 17.5’ and you have an 8’ shed, where do you want to put it in that 17.5’?

Mr. Crilly stated as close to the fence as possible. I am going to be closer than 10’ to the side of the house, which I believe Engineer Nash had pointed out.

Chairman Dunning stated if you comply to the Ordinance of 5’ from the fence, then we only need a variance from the shed to the house? If he kicks it back, we need a variance to each side of the shed. It is your application; give us some kind of number.

Mr. Crilly stated it will be 8’ from the side of the house (instead of the 10’ required), and a foot off the property line, and another 8’ which would be the depth of the shed.

Member Levine questioned how does this relate to the existing shed?

Mr. Crilly stated, if you just took that shed and shifted it forward towards the gate, which is all I am doing. I am just sliding it up because of the pool in the backyard, I am going to level that out and create more space and that is dead space where I put the pad. This existing shed is coming down since it is termite infested and I am not replacing it.

Engineer Nash questioned why aren’t you going to put the new shed where the existing shed is?

Mr. Crilly answered just to create more space in the backyard. Before the pad was in place, that area was just mud, in the shade and I just wanted to clean that piece of the property up and create more space in the backyard.

Chairman Dunning questioned approximately how far is the existing shed from the edge of the pool?

Mr. Crilly answered, I would guess, about 15’ from the water.

Chairman Dunning stated you have a small deck on the back of the house that is about a foot off the ground. Did you get a permit to put the pool in?

Mr. Crilly stated I brought it with the house. The house was constructed in 1972 and my understanding is the pool was installed in the early 1980’s.

Mr. Crilly reiterated that the height of the shed will not exceed 10’ in height and it will not exceed 100 square feet because of the permit.

Member Ludwig questioned the 10’ height is that an average, a mean height like a house, so if the peak comes up a little bit?

Mr. Crilly stated, even with the peak, it doesn't exceed 10'.
Attorney Mondello stated it doesn't say in the Ordinance that it is a mean feet; it should not exceed in excess of 10' in height period.

MOTION MADE BY MEMBER VICE CHAIRMAN GRYGUS TO APPROVE THIS APPLICATION FOR THE CONSTRUCTION OF AN 8 X 12 SHED ON THE SIDE YARD OF THE PROPERTY WITH THE TWO (2) VARIANCES TO BE A VARIANCE TO THE SIDE YARD OF 1.5 FEET; AND A VARIANCE FROM THE SHED TO THE HOUSE OF 8.0':

MOTION TO APPROVE APPLICATION: made by Vice Chairman Grygus, seconded by Member Ludwig. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Ludwig, Levine, Henderson and Karp. Motion Carried.

Chairman Dunning questioned if anyone in the public had any statements or questions on this application.
Let the record show no one came forward.

PUBLIC DISCUSSION: Let the record show no one came forward.

RESOLUTIONS: None

Attorney Mondello advised that because of the amount of meetings we had for 1049 Ringwood Avenue, LLC the Resolution is going to be extensive and is not yet prepared for memorialization. At the last meeting, both the applicant and Attorney Lorber said "It is going to be done by the next meeting" and I said "absolutely not", and I walked away. I believe this suffices as notice that it was not going to be prepared for this meeting.

Chairman Dunning stated we left a lot to fall back to our Engineer to be approved. Does any of that impact on the Resolution?
Attorney Mondello stated you approved/passed the application but it is pretty obvious that certain aspects of the application that, if it couldn't be resolved between the two Engineers, they have to come back before the Board, and both the applicant and Attorney Lorber agreed to this.

Chairman Dunning questioned once we pass the Resolution?
Attorney Mondello stated the mechanism is to my left. If Engineer Nash says it is not working out, then we need to notify the Building Department under no circumstances do they issue any type of building permit or anything of that nature, and they have to come back to the Board. I have never seen it; it has always been worked out between the Engineers, but it is possible they may have to come back because of the issues like the drainage, etc.

Engineer Nash stated they would have to come back because they are not meeting the conditions of the Resolution.

ENGINEER'S REPORT: 1049 Ringwood Avenue LLC

Engineer Keenan called about two weeks ago and I advised him to get his concept fully developed so I can at least agree on the concept. I wouldn't need all the calculations, or the full drainage reports, because that would be a waste of resources if I don't like the concept. We were scheduled to meet on April 4th and he called me on Friday to cancel because he wasn't ready and I haven't heard back from him.

Attorney Mondello stated we may not want to memorialize the Resolution if the Board Engineer is saying I haven't gotten the necessary items from the applicant to do "x,y,z".

Engineer Nash stated I told him I still don't like having that detention basin adding any water to that back corner lot. Why would you do that? You are technically allowed to do it, but I don't think it is a good idea for the applicant. Now someone can say I have a drainage problem and I didn't have one before and how many times have you heard that.

Chairman Dunning stated the one thing we never covered was his sign down on Ringwood Avenue.

Engineer Nash asked about it because I wanted to make sure it wasn't going to block the sight distance.

Attorney Mondello stated wasn't it the testimony that it would comply with the Ordinance?

Chairman Dunning stated we never really talked about it other than that one statement.

Attorney Mondello stated that they will file a permit for the sign and if the sign does not comply with the Ordinance, the Building Official will reject, deny it and send it to us.

Attorney Mondello stated he will keep in touch with Engineer Nash as to the progress.

Vice Chairman Grygus stated if the AT&T application gets pulled or they request it to be carried to another month, there will be no reason to meet next month anyway.

Attorney Mondello stated it is a Volunteer Board and it is the Board's decision to come to have a meeting just to memorialize a Resolution or not; typically it is not. On the other hand, if we don't have any applications for the next nine months, it would probably be unfair and a meeting would be scheduled just for this reason.

CORRESPONDENCE: None other than the letter from AT&T's Attorney.

VOUCHERS: submitted by Ronald Mondello, Esq. for attendance at the April 6, 2016 Meeting in the amount of \$300.

MOTION TO APPROVE: made by Member Ludwig, seconded by Member Covelli. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Ludwig, Levine, Henderson and Karp.

VOUCHERS: submitted by Boswell Engineering dated October 30, 2015 on 1049 Ringwood Avenue, LLC Application in the amount of \$1,710 and another dated March 7,

2016 on 1049 Ringwood Avenue, LLC Application in the amount of \$760; and on the Cingular Cell Tower Application in the amount of \$950.

MOTION TO APPROVE: made by Member Ludwig, seconded by Member Covelli. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Ludwig, Levine, Henderson and Karp.

MOTION TO APPROVE FEBRUARY 3, 2016 AND MARCH 2, 2016 MINUTES: made by Vice Chairman Grygus, seconded by Member Henderson. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Levine, Henderson and Karp. Member Ludwig not qualified/abstained.

DISCUSSION: Any word on the properties south of the Quick Chek? They are interested in putting a gas station there but are concerned about the contamination at one of the properties. Board Secretary advised she has nothing on file.

Engineer Nash questioned anything happening at Roar of the Crowd? It has been sold but the Board Secretary has nothing on file.

Chairman Dunning questioned anything new on the Church? Board Secretary advised that the use/new business was approved by the Planning Board in March and they have submitted plans and permits.

Chairman Dunning asked about the Permit Extension Act. Attorney Mondello advised it expires June of 2016. Chairman Dunning stated Exxon Gas Station and Wogish Property could be affected.

MOTION TO ADJOURN AT 8:35PM: made by Member Ludwig, seconded by Chairman Dunning. Motion carried by a voice vote.

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