

**IN PERSON
REGULAR MEETING**

Salute to Flag: 8:05pm

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 March 13, 2022 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 Donald Ludwig, Helena Aumenta, Michael Sbarra and Dana Lynch and Attorney Ronald Mondello and Engineer Christopher Nash

ABSENT: Vice Chairman Grygus & Member Charlie Sahanas had to recuse themselves from hearing and voting on Application ZBA2022-05. Members Frank Covelli and Suzanne Henderson were absent with notice.

Application ZBA2021-12 – 1049 Ringwood Avenue, LLC - 1049 Ringwood Avenue (Block430/Lot 1)

Chairman Dunning: We have a letter from the Applicant's attorney withdrawing the application. The letter is dated March 17, 2022.

Attorney Mondello: I did see this letter. At this point I would simply indicate that it is from Mr. Molinelli and dated March 17, 2022 and indicates he represents the Applicant, and "the Applicant has decided to withdraw the subject application. I would ask that I be provided with a final billing statement from all providers that submitted invoices against our escrow and provide me with a final accounting and refund check." I'd ask for a Motion but, since it has been withdrawn, we don't have to dismiss.

Chairman Dunning: Jenn you are taking care of the financial end of this.

Board Secretary: Yes.

Application ZBA2022-05 – Norton, Kevin – 14 Rhinesmith Avenue (Block 231/Lot 34.01)
Attorney Mondello swore in Kevin Norton.

Mr. Norton: My name is Kevin Norton, 14 Rhinesmith Avenue, Wanaque.

Attorney Mondello: Welcome Mr. Norton, please have a seat and tell the Board what you would like to do and why you want to do it.

Mr. Norton: My wife and I are looking to put on a 20x20 addition onto the front of our house. Currently, we have a two bedroom house. Three days ago, we actually had our second child. We'll have two boys running around the house so we've been looking a little bit more room and that seems to be the most feasible to add one bedroom onto our house. It is going to be a bedroom complete with a bathroom.

Attorney Mondello: And if you weren't able to get these alternations, you'd need to find a bigger home either in this town or some other town. Correct?

Mr. Norton: Yes. The reason why we are doing this is we've been actively looking in the market and we just can't afford what's out there really so this was the most economical.

Attorney Mondello: Fair enough.

Chairman Dunning: You've submitted some drawings, sketches from a Zimmerly & Associates. Is the site plan okay Chris?

Engineer Nash: Yes.

Chairman Dunning: You have presented a plan of the existing house layout and you have another plan with the addition. You want to put a 20x20 addition out the front of your house on the left side. Looks like you have to relocate your front door which would end up in your bedroom and you want a covered porch.

Mr. Norton: Yes. Currently where the front door is it is just going to be moving 3' over to the right. That's actually our living room right there, but the door would still be opening into there.

Chairman Dunning: You've presented some views of the exterior layout on the left side, the right side and the front elevation which shows how this all works. You'll have to redo your roof line with the extension.

Mr. Norton: Yes sir.

Chairman Dunning: The whole front of your house is going to change basically. What's the reason for the covered porch?

Mr. Norton: Obviously with the children, it is going to be nice to have. We did talked about 6' but then we added 8' to allow for some chairs out there, a bouncer for the kids and put a gate there for the kids.

Chairman Dunning: Your driveway is very narrow but it is enough to put two cars in it.

Mr. Norton: Yes, we currently have two cars parked there. We actually share the driveway with our neighbor to the right, but we do park two cars in the driveway.

Chairman Dunning: What you need is a side yard variance and a front yard variance.

Chairman Dunning: I have a question. It says 40' wide right-of-way, what is the right of way for in your backyard? Is there some little stream or something that runs back there?

Mr. Norton: Yes. I think this was supposed to be a roadway like leading behind all those houses there. There is a stream that comes from the abandoned pool. There is a right-of-

way that comes down and it actually ends at either my property line or the guy right behind me. It just ends right there. The neighbor to my left, he actually has a catch basin that was under the deck in their backyard. It looks like it was installed by the Borough because it's pretty legit.

Chairman Dunning: There's a right-of-way of water that runs through there but some of it is above ground and some of it runs through some piping underground.

Mr. Norton: We have, and it's actually pretty bad, the neighbor behind me his whole backyard is swamp. It's all runoff from down there. I think years ago or maybe Hurricane Sandy, all kinds of trees fell, diverted a bunch of water and now it's sort of permanently flooding his backyard, which is the reason why didn't decide to go out the back of our house. That flooding actually comes into the back of my yard. So if you are looking at the drawing, you'll see what is called the "drainage swale".

Chairman Dunning: Your backyard is level?

Mr. Norton: You could look at my backyard and see its level and then you see the swale it's only maybe a couple inches down. From there back, it is just like marsh.

Chairman Dunning: So that's the reason you have to go out front because your backyard floods and then your backyard goes right up and so all the rainwater has one place to go.

Chairman Dunning: The existing deck is good. It is open so it's not covered. That doesn't present a problem. You have no sheds back there, right?

Mr. Norton: I do have a shed. It was there when I bought it and I just maintained it.

Chairman Dunning: It's not shown on the plan.

Mr. Norton: When you come into my backyard, if you are looking at the plan, it is in the back right corner. It's 8x10.

Chairman Dunning: Alright, it's not shown here so we don't have to deal with it. Everything in the front of your house is going to be ripped out, all your shrubs and everything else.

Mr. Norton: It's got to go.

Chairman Dunning: The tree that is in the center of your front yard, is that close to the expansion?

Mr. Norton: Yes, that is going to have to go too. Our initial thought was can we move it and have a company come in. It is a nice red maple tree that we really like. We haven't come to a decision on that.

Chairman Dunning: Board Members any questions?

Member Sbarra: As per Chris' report here talking about the a/c condenser, I see you have it located, when looking at the front of the house, to the left there, is there any way to relocate that toward the back of the property just to not exacerbate the side yard variance.

Mr. Norton: Yes, definitely. When we were speaking to the Architect about this, I guess the clearance you need for that is going to be 6' from a window. I don't know the reason. Basically the only feasible place was to put it on the left side of the house, which would allow for the clearance that would be needed. We talked about putting it right behind the fence because my whole backyard is fenced in. We talked about putting it right behind there, but son's bedroom is right in that back corner and the window just didn't have enough clearance.

Attorney Mondello: What's the problem with the rear just because you need 6' clearance and why is that a problem.

Mr. Norton: 6' clearance from any windows, any openings to any bedrooms. I think that's what was explained to me.

Attorney Mondello: Why is that a problem?

Mr. Norton: I don't have enough clearance to go into the back.

Engineer Nash: How close is the neighbor to your south?

Mr. Norton: I'm 6.1' off the property line and they are probably another 6' or 8'.

Chairman: They are typical narrow lots.

Engineer Nash: That's why I had the comment if we can get the a/c unit out of that very narrow space and put it in the back.

Member Ludwig: I guess that was there when you bought the house, or did you add it?

Mr. Norton: No, that is where we are proposing. We want to add central air, which we don't have right now.

Member Aumenta: Just a note, my husband happens to be in HVAC and I texted him and he said it is actually 6' from your neighbor's window, not your own window, for noise.

Member Sbarra: So in saying that, are you opposed to locating it on the backside of the property on the opposite side of the fence?

Mr. Norton: No, that is fine with us.

Attorney Mondello: So that the record is clear, the air conditioning unit will be located in the rear, is that correct?

Mr. Norton: Yes. We'll put it right behind the fence in the backyard.

Member Aumenta: He said it is really for the noise so the condenser wouldn't bother your neighbors.

Mr. Norton: Understand.

Attorney Mondello: Any other questions from Board Members?

Engineer Nash: I just caution that the 23' for that new front yard setback so when the construction is done, everything is finished, and it gets measured again, it can't be less than 23' or you will have to come back. Caution your builder about that.

Mr. Norton: Okay.

Attorney Mondello: Is there a risk that it would be less than that?

Engineer Nash: It wouldn't be built correct that's all. There is always that risk but I'm just saying in this case, it's not 40 something feet, its 23'.

Chairman: If you drive down that street, some of the houses are set way back and some of them on right on the street. There is no uniformity.

Member Sbarra: Just for my own point of clarity, I know you have two neighbors both to the left and right of you; your house is set back further than both theirs, right? As far as with this addition, you're basically looking to virtually have almost the same setback as they currently have?

Mr. Norton: Pretty much. I think we'll be 2' less than the neighbor to the right and I think it was like maybe 2' more than the neighbor on the left. All in all when you are looking at it, it'll be about the same.

Chairman: Basically it will blend into the neighborhood. The problem with a lot of plot plans we look at, it doesn't really define where the road is. My house there is 10' in my grass there is the actual property line out to where the road is. Trees, sidewalk and everything is the Borough's problem, not mine, but you still have to clean your sidewalk. That is very common in Wanaque for some reason. And basically you are almost a dead end street, there's a couple feet back to you get to Ringwood Avenue when you get to the last one that house is very close to the road.

Chairman: Okay, any other questions? Would someone like to make a Motion?

Attorney Mondello: I just note that there are no members of the public that are asking questions or commenting on this application.

Member Sbarra: I'll make a Motion to Approve the setback variances that we discussed with the condition that the a/c condenser gets relocated behind the house. Member Aumenta seconded.

MOTION TO APPROVE APPLICATION ZBA2022-05: made by Member Sbarra, seconded by Member Aumenta. Voting yes were Chairman Dunning, Members Ludwig, Aumenta, Sbarra and Lynch. **Motion Carried**

PUBLIC DISCUSSION: No public in attendance at meeting.

RESOLUTION: ZBA2021-08 Scenic Landscaping – Vacant Lot On Jefferson Street
This was a tough Resolution of 41 Pages and 3 meetings. The Board will recall they came here to permit the utilization of the vacant lot for the temporary storage of plant materials used in connection with an abutting landscaping and pool contractor business. There are extensive conditions on Page 28 and again another list on Page 38. I'll entertain any questions, comments or modifications the Board may have. Hearing none, seeing none, I'd ask for a Motion followed by a second and I will call those Members eligible to vote.

MOTION TO MEMORALIZE THIS RESOLUTION AS PREPARED BY BOARD ATTORNEY: made by Member Ludwig, seconded by Member Aumenta. Voting yes were Acting Chairman Dunning, Members Ludwig and Sbarra
Member Aumenta did not vote in favor
Motion Carries; there is a majority of those Members eligible to vote.

CORRESPONDENCE: None

MOTION TO APPROVE MARCH 2, 2022 MINUTES: made by Member Aumenta, seconded by Member Ludwig. Voting yes were Chairman Dunning, Members Ludwig, Aumenta, Sbarra and Lynch

ENGINEER'S REPORT: A new Application on behalf of Big Foot Tree at 8 Coles Avenue was handed out this evening.

DISCUSSION: Chairman questioned the Members if they have been going to the sites and looking at them. The Applicant does sign a consent form for the inspection so we have a right to visit the property. This is coming up because of the parrot food home business and the Chairman was the only one that got into the house and had to make a double appointment to get in and he should have taken pictures. It was a difficult application that we approved and it sets a precedent. Try to visit the sites, bring your paperwork with you, knock on the door and announce that you are there on behalf of the Board of Adjustment. Be aware of your surroundings for safety purposes and don't go in the yard in case there is a dog. Attorney Mondello did comment that it is very rare that you need to go inside. Also, sometimes they want to talk to you and you have to avoid that; the questions are for the hearing.

VOUCHERS: submitted by Ronald Mondello, Esq. for the Scenic Landscaping Application in the amount of \$1,980; and for attendance at the April 6, 2022 Meeting in the amount of \$400.

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

VOUCHERS: submitted by Boswell Engineering for the Buske Application in the amount of \$424; for the Licastro Application in the amount of \$159; two invoices for the Scenic Landscaping Application totaling \$1,325; two invoices for the 1049 Ringwood Avenue LLC Application totaling \$530; two invoices for the CDJ Enterprises Application totally \$212; for the Petrillo Application in the amount of \$106; and for the Norton Application in the amount of \$212.

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

MOTION TO ADJOURN AT 8:45 PM: Motion made by Member Aumenta, seconded by Member Sbarra and carried by a voice vote.

Jennifer A. Fiorito
Board of Adjustment Secretary