

BOARD OF ADJUSTMENT MINUTES

APRIL 7, 2021

REGULAR MEETING
ZOOM VIDEO CONFERENCE

Salute to Flag: 8:00pm – Meeting Opened by Vice/Acting Chairman Bruce Grygus

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 17, 2021 and March 28, 2021 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 with the Borough Clerk and will be posted on the front door of Borough Hall on the day of the meeting.

ROLL CALL: Vice/Acting Chairman Bruce Grygus, Members Donald Ludwig, Bridget Pasznik, Michael Levine and Helena Aumenta and Attorney Ronald Mondello and Engineer Christopher Nash

ABSENT: Chairman Jack Dunning (excused absence) and Members Frank Covelli and Phillip Stefanowicz (absent with notice)

Application ZBA2021-03 – Buske, Thomas & Judith – 1161 Ringwood Avenue (Block 448/Lot 1)

Acting Chairman: Ron, I understand you have some correspondence from the applicant?

Attorney Mondello: Jen, correct me if I'm mistaken, they requested an adjournment?

Board Secretary: Yes, to be carried. They want to know if they can do it without having to re-notice and re-publish.

Attorney Mondello: They can as long as we make an announcement that anyone that is here for the Thomas and Judith Buske Application at 1161 Ringwood Avenue is going to be carried to the next regular meeting, which I do believe is May 5th at 8pm. So if there is anyone here for that application, you will not receive any additional notice. The application will be carried to the May 5th Meeting. That takes care of that, Mr. Chairman.

MOTION TO CARRY APPLICATION NO. ZBA2021-03 BUSKE TO THE MAY 5, 2021

**MEETING AT 8PM WITHOUT ADDITIONAL NOTIFICATIONS: made by Member Ludwig, seconded by Member Pasznik. Voting yes were Acting Chairman Grygus, Members Ludwig, Pasznik, Levine and Aumenta
Motion Carried**

Acting Chairman: For the sake of Chris, Ron, I'm just going to take the Agenda a little bit out of order. Chris, do you see any need to stay on for the Resolutions or am I just going to excuse you, given that you are out of the country on vacation.

Engineer Nash: Yeah, I don't have any input on the Resolutions.

Acting Chairman: Okay, and then you don't have anything to give as far as your report?

Engineer Nash: Well, it's warm and sunny. How about that?

Acting Chairman: I right, well, it's warm and sunny here today. We don't need a COVID test to come back. So okay Chris you can take off.

PUBLIC DISCUSSION: Any members from the public have anything that they would like to discuss with the Board?

Public: Yes, I am here from 1169 Ringwood Avenue.

Attorney Mondello: Yeah, so we just made an announcement that 1161 Ringwood Avenue, the attorney for the applicant, requested an adjournment. An adjournment means more time. So that matter is not going to be heard this evening. It's going to be heard May 5th. Presumably, you want to comment on that application. It's not going to be heard this evening. Is that correct?

You're here for the 1161 Ringwood Avenue application?

Public: 1169 Ringwood Avenue.

Acting Chairman: All right. We don't have an application for 1169 we only have one for 1161.

Public: I'm living in front of the gentleman who's got all the loading trucks and heavy duty equipment.

Acting Chairman: That's the 1161 application and that will be heard on May 5th at 8pm.

Public: All right, then thank you.

Public: With the same meeting number and password to get in.

Attorney Mondello: No, I do believe it changes. It will be on the website, and it'll be available just as this meeting was.

Public: How long prior to the meeting does it get posted?

Board Secretary: 10 days.

Public: Thank you.

Acting Chairman: Any other public comments? All right, moving on to Resolutions.

RESOLUTIONS:

ZBA2020-07 – Hartwell, Michael & Dana, 16 Belvedere Avenue, Wanaque

The first Resolution is in the matter of Michael and Dana Hartwell. They came before the Board for variance relief to expand the existing garage into a two car garage. Typical conditions were placed in the Resolution. If there are any questions or comments, I'll entertain those now.

Hearing none, seeing none, I'd ask for a Motion followed by a Second.

With your permission Mr. Chairman, I'll call those Members eligible to vote.

MOTION TO MEMORIALIZE THIS RESOLUTION AS PREPARED BY BOARD ATTORNEY: made by Member Ludwig, seconded by Member Pasznik. Voting yes were Acting Chairman Grygus, Members Ludwig, Levine, Pasznik and Aumenta Motion Carried

ZBA2020-12 – Liljestrand, Stephen & Karin, 36 Hillside Road, Wanaque

This was the application of Stephen and Karin Liljestrand. They came before the Board, much like Tree Tavern, for an interpretation as to whether or not the existing non-conforming use pre-existed the prohibiting ordinance with respect to the apartment that was above their garage. This was the application that had quite a fan club. I'll entertain any questions, comments that the Board may have at this time. There was a condition placed in here and the Applicant freely agreed to it that the Applicant agrees to comply with any safety and fire issues raised by the Building Inspector. That goes without saying, but they had no objection to, I'll just call it a full blown inspection according to the Building Construction Code. If there are any questions or comments, I'll entertain those now.

Hearing none, seeing none, I'd ask for a Motion followed by a Second.

With your permission Mr. Chairman, I'll call those Members eligible to vote.

MOTION TO MEMORALIZE THIS RESOLUTION AS PREPARED BY BOARD ATTORNEY: made by Member Levine, seconded by Member Ludwig. Voting yes were Acting Chairman Grygus, Members Ludwig, Levine, Pasznik and Aumenta
Motion Carried

ZBA2021-02 – Petruccelli, Frank – 52 Smith Avenue, Haskell

Frank Petruccelli came before the Board to demolish an 18-foot above ground pool and replace it with a 15-foot above ground pool. Typical conditions were placed in the Resolution. I'll entertain any questions, comments or changes the Board Members may have at this juncture. Hearing none, seeing none, I'd ask for a Motion followed by a Second.

MOTION TO MEMORALIZE THIS RESOLUTION AS PREPARED BY BOARD ATTORNEY: made by Member Ludwig, seconded by Member Aumenta. Voting yes were Acting Chairman Grygus, Members Ludwig, Levine, Pasznik and Aumenta
Motion Carried

CORRESPONDENCE: 1458 Ringwood Avenue, Haskell

Attorney Mondello: Okay, may I, Mr. Chairman. I know that Jen sent a letter to Mr. Josh Levine on behalf of the application that's been kicking around for months and months and months and months. I know there wasn't a response to that letter that the Board was inclined to dismiss the application without prejudice, of course. I reached out to Attorney Levine today, and I spoke to him, I informed him that the Board was going to move forward to dismiss, without prejudice, unless he had some additional information for us as to what the status was. Apparently, his client hasn't been 100% cooperative so he said he was going to reach back out to his client one more time to try to find out and he would get back to me today. I did not hear from him. So at this juncture, I would recommend that the Board dismiss, without prejudice. They understand that they lose their application fee, but any escrows that may have been posted would be returned assuming there are no bills from the Engineer. There wouldn't be any from my office.

Acting Chairman: Okay, can we get a motion or any discussion on that or? All right, then we're looking for a motion based upon the letter.

MOTION TO DISMISS, WITHOUT PREJUDICE, APPLICATION NO. ZBA2020-09 – 1458 RINGWOOD AVENUE, LLC: made by Member Ludwig, seconded by Member Aumenta. Voting yes were Acting Chairman Grygus, Members Ludwig, Pasznik, Levine and Aumenta
Motion Carried

Acting Chairman: The only other thing I have Jen, did you get any kind of response from when we reached out to Cristaldi regarding that question I had about the conflict with the zoning map.

Board Secretary: Nope.

Acting Chairman: Okay, can we reach out to them again with that? I mean, there are a couple conflicts in there. One map shows and IR-1 Zone; the book shows an IR-1 Zone, the Zoning Map shows an I Zone; the book speaks of a Special Business District, but it's nowhere on the Map. So if it exists, we need to know where it is and what the guidelines are for it and, if it doesn't exist, then we should get the Map and the Book to say the same thing.

Board Secretary: Okay, I'll redo that one because I think I also sent it to Benecke.

Acting Chairman: I think you did. I think we just talked about Benecke, Cristaldi and maybe Tony. I don't remember.

Board Secretary: Okay. I will look for that.

VOUCHERS: submitted by Boswell Engineering for Macedon Builders Inc. Application in the amount of \$212; Nouvelle, LLC Application in the amount of \$212; Hartwell Application in the amount of \$424; and Petruccelli Application in the amount of \$212.

MOTION TO APPROVE: made by Member Ludwig, seconded by Member Levine. Voting yes were Acting Chairman Grygus, Members Ludwig, Pasznik, Levine and Aumenta

VOUCHERS: submitted by Ronald Mondello, Esq. for Hartwell Application in the amount of \$375; Petruccelli Application in the amount of \$375; and Liljestrang Application in the amount of \$600; and attendance at the April 7, 2021, Meeting in the amount of \$400.

MOTION TO APPROVE: made by Member Ludwig, seconded by Member Pasznik. Voting yes were Acting Chairman Grygus, Members Ludwig, Pasznik, Levine and Aumenta

MOTION TO APPROVE MARCH 3, 2021 MINUTES: made by Member Pasznik, seconded by Member Ludwig. Voting yes were Acting Chairman Grygus, Members Ludwig, Pasznik, Levine and Aumenta

DISCUSSION:

Acting Chairman: The only discussion that I would say is I just would highly recommend you all to, if you haven't already done this, do your site visit for the Buske application.

Member Ludwig: I took a drive around the parking lot and it's an interesting site.

Attorney Mondello: Please let's not talk about the application. I'm sorry,

Acting Chairman: Some of what you're going to see is on that lot, and some isn't so, you know, we can get that explained.

Attorney Mondello: Mr. Chairman, if I'm the applicant's attorney, I'm going to be wondering why my client and I'm not present and there was any kind of discussion with respect to the application. So I think your point is well taken. Site visit and that's it.

Member Pasznik: I know, in one of the emails, I think, Bruce, you had mentioned, I guess that Dan and the Council we're going to start back in May. I figured I'd bring that up and see.

Acting Chairman: Jen, did they make a decision?

Board Secretary: I think they may be doing it in May because it's for the budget, but I don't know for sure. They'll probably make a decision. Their meeting is Monday.

Acting Chairman: Wouldn't they have to advertise that since that's within 10 days already?

Board Secretary: No. They wouldn't do it until May. So their meeting is April 12th, this coming Monday.

Member Levine: Decision on what? I'm not following.

Acting Chairman: In person meetings.

Member Pasznik: How do we all feel? I'm just curious, personally, how do we all feel?

Member Levine: Well, I would take the option of staying virtual.

Member Ludwig: I have no problem with it. It works out. We haven't seemed to have any problems with the applicant's joining. I guess it all depends on covid does really.

Member Pasznik: Yeah. I mean, I could go either way. I could be home or I can go in.

Acting Chairman: I just think that if the Mayor and Council make a decision to do it, I think that we should try to follow suit and all be on the same page.

Member Ludwig: I will do whatever they decide, but I'm not going to push for it. How's that?

Board Secretary: Just so everybody knows that not everybody is going to fit up on the dais.

Attorney Mondello: If I could just very quickly opine. Because the Mayor and Council decide that that's what they want to do, the Board does not have to follow suit. Certainly, if a majority wants to return to the building, they can. I represent several other towns where the Governing Bodies have been meeting for months now and the Boards refuse to and I've mentioned this before, and there are certain reasons. There's one younger fella who was in the hospital for five days on a ventilator. He is not going to risk anything again. You know, it's come around once. Unfortunately, my daughter had it twice.

Member Pasznik: My husband currently has it now.

Member Ludwig: I'm way up there in the standings in a bowling league and we had two, father and son, that were out yesterday because of covid.

Attorney Mondello: I'm not discouraging or encouraging.

Member Ludwig: I never thought about the six foot distancing and how tight it would be.

Member Pasznik: Could we have the option of both like if some of us wanted to be in person and then if some of us didn't want to be in person could that work?

Attorney Mondello: The DCA maybe, is what I here, working on some more regulations where if you do decide to go back, you must do both for the public's sake that doesn't want to show up. I don't know how that works. Every single one of you would have to have a monitor in front of your face.

Member Pasznik: Could we do a live feed and a smartboard in there, Jen? You are at our podium now with your laptop.

Board Secretary: Yes.

Member Pasznik: So that's how it would be I guess for all of us.

Attorney Mondello: You are more familiar with this technology you just referred to.

Member Pasznik: I am just thinking like with kids, I'll just use the classroom as an example, just because that's what I'm familiar with, if a teacher is out sick, she'll teach from home, but she's virtually on the smartboard, and the kids aren't on a computer. My son will be sitting at his desk,

looking at the SMART Board, and they can hear and see and do all of that through one connection. I don't know that connection.

Member Aumenta: You'd have to have a camera like up high somewhere that could see the view of everything. With the smartboard, you've got the camera above the smartboard. She's got her camera, and then it's projecting on the smartboard. For multiple presenting, you'd have to have almost like a web conferencing where you have that camera kind of facing out so it would see everybody on the dais, everybody who's there, and then we would all dial into that same thing, and you would be one picture, kind of like what we see today, one picture would be in that one room, and then you'd see the pictures of everyone else.

Member Pasznik: I guess it would be up to the Borough, right? I mean, if the Mayor & Council decides to do it, they're going to have to do it the same way. If mean, if you have to provide both options, then the Borough is going to be the one that has to provide.

Attorney Mondello: Those are not currently in place. You could go back to the Borough Hall right now and people have to show up.

Member Ludwig: Plus, social distancing up on the dais, there's, it's going be kind of hard.

Board Secretary: That's what I'm saying; there are only nine seats up here. What you see is the space that I'm squeezed into. There's plastic on both sides of me, however, there's nothing in front of me.

Acting Chairman: A lot of that would depend on too is if people are vaccinated, because if you're vaccinated, you can be within three feet.

Member Ludwig: The only thing I think that it could really affect would be if especially this one application where the garage is down there on 1161.

Acting Chairman: Ron, before we go on, I see we have Mr. Palatucci on. What were you signing onto the meeting for? Please if you can unmute yourself.

Mr. Palatucci: Sure, sorry to be late. I may have missed the item. I'm the property owner of 1151 Ringwood Avenue and got my notice. I assume this is the Board of Adjustment for the item at 1161.

Acting Chairman: Yes and that application has been carried. The applicant requested to be adjourned and carried until the May 5th meeting at 8:00pm.

Mr. Palatucci: Thank you so much. Appreciate that. Nice to see everybody. I grew up in Wanaque and still have my dad's property there so I was curious what that was, so I appreciate the notice and saving me some time. You all have a good evening. Thanks for your service.

Attorney Mondello: So in any event, I guess we'll cross that bridge when it comes. But it's up to the Board to decide what they want to do. Period. I'm going to raise one other quick issue. With many of my other boards, some of the more ministerial acts, like memorializing resolutions, bills, instead of a roll call we basically just say "All in favor, Aye"; Any opposed? It saves a lot of time. That's certainly up to the Chairman, as to how that you know, he wants the meeting run. But you'd be surprised how much time that saves. I'm not obviously talking about applications, but some of the more ministerial or clerical functions. It saves quite a bit of time,

Acting Chairman: Can it almost be done as a consent agenda, Ron, where they can all be listed under one and we just require one vote for vouchers; everything.

Attorney Mondello: Yeah, it could.

Acting Chairman: I know the Mayor & Council do that quite often. It's a consent agenda and they just list a bunch of things and it's just a single vote.

Attorney Mondello: I've never come across that with a Board of Adjustment or Planning Board, but there's nothing improper about that. I don't think we have that much stuff where a Governing Body could have 25 things on a consent agenda. You'll have one, two, you know, if you push it three, right, minutes, bills. Sometimes it's not appropriate for resolutions because some members are not eligible to vote.

Acting Chairman: Plus, if you do all the resolutions in one vote, and a person only wants to vote no to one resolution.

Attorney Mondello: Yeah, I would not put that on a consent agenda. I mean, I was able to do that tonight because the same people who voted on every single one were here.

Acting Chairman: Even so, some person may have wanted to vote no on one and yes on the other two. Alright, point taken; same as we do for adjournment, just the voice carried. Any more discussion?

MOTION TO ADJOURN AT 8:27PM: made by Member Ludwig, seconded by Member Pasznik.
Motion carried by a voice vote.

Jennifer A. Fiorito
Board of Adjustment Secretary