

**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 January 17, 2021 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 with the Borough Clerk

ROLL CALL: Vice/Acting Chairman Bruce Grygus, Members Frank Covelli, Donald Ludwig and Bridget Pasznik and Attorney Ronald Mondello and Engineer Christopher Nash

ABSENT: Chairman Jack Dunning (excused absence), Members Michael Levine and Helena Aumenta
Member Phillip Stefanowicz resigned as of August 1, 2021

With 4 Members in attendance, we do have a quorum.

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

Peter Lefkowitz, Esq. of Nurik & Lefkowitz, Attorney for the Applicants, has requested this matter be carried to the September 1, 2021 Meeting. The Applicants waive all time limitations.

MOTION TO CARRY APPLICATION TO THE SEPTEMBER MEETING: made by Member Ludwig, seconded by Member Pasznik. Voting yes were Acting Chairman Grygus, Members Covelli, Ludwig and Pasznik Motion Carried

Application ZBA2021-07 – Licastro, Jason, Gorge Drive-Vacant Lot (Block 423/Lot 31)

Attorney Mondello: All notices were done in a timely manner. The application is deemed complete.

Attorney Mondello swore in Tyler VanderValk, Houser Engineering, 1141 Greenwood Lake Turnpike, Ringwood, NJ, who has testified before this Board on a few occasions, but it was on Zoom. Licensed in the State of New Jersey and in good standing, Bachelor's

Degree in Civil Engineering from NJ Institute of Technology and has testified before numerous Boards throughout the State, including this one.

Attorney Mondello: Any objection to this witness as an expert in the field of engineering? Hearing none, seeing none, won't you tell us what your client would like to do and why.

Engineer: The site is a vacant lot and this is located on Gorge Drive immediately south of the intersection with Greenwood Avenue. The site is surrounded by single-family uses on all sides. The entire neighborhood is largely single-family uses with some remaining vacant properties. These lots are relatively inconsistent in size and shape. Subject property is vacant and a wooded lot consisting of 6,000 square feet and is located in the RD-3 Redevelopment Zone. Applicant is proposing to construct a 2-1/2 story single-family dwelling with a walk-out basement towards the front of the home. The home is approximately centered on the lot closer to the street than the rear. We are proposing a parking area off the street, which provides enough parking for three vehicles with a walkway and stairs that heads up to the front door. This arrangement is fairly typical of the neighborhood given the steep slopes and rock outcrops in the area. We also have a small patio that is proposed off the rear of the structure and some retaining walls to the north and south of the structure. We are proposing to serve the house with public water and sewer, which is available in the street, overhead electric as well, and an underground propane tank, as natural gas is not available in this area.

We are here tonight because the application requires a number of variances; the main one being a Use Variance. As mentioned, the project is located in the Redevelopment Zone which permits multi-family developments and it's also located within an Affordable Housing Overlay Zone.

Seeing as this lot represents a single vacant property of only 6,000 square feet and is surrounded by developed and occupied lots, it is not anticipated that this specific area would be the subject of a large scale redevelopment in the near future. Therefore, I believe the Use Variance is warranted and the Bulk Variances subsident under the Use Variance. To reduce the bulk requirements, as part of the RD-3, this Zone envisions large multi-family developments and the bulk requirements reflect that with a lot area requirement of 20 acres. As mentioned, this lot is only 6,000 square feet. Minimum lot frontage of 50' is actually one we comply with. Lot width is 100' where 50' is existing; lot depth requirement of 700' where 120' is existing; front yard setback of 75' where 30' is proposed; rear yard setback of 50' where 48' is proposed; side yard setback of 50' where we have 11.3' to the south and 11.1' to the north; and there is also a combined side yard setback of 100' where we are providing 22.4'. Max building coverage and lot coverage is well compliant considering the envisioned development. In this case we are proposing a 19.3% building coverage and a 30.2% lot coverage. Building height is compliant at 31.2' where 35' is permitted.

Engineer Nash, the Board Engineer, in his report raised the R-10 Zone as a good reference point to utilize since we are developing the lot as a single-family use. R-10 Zone is somewhat nearby. If we head north a couple of properties on the street, we run into the R-10, which is the smallest single-family zone in the town. As mentioned in his report, we would even require variances if we were within the R-10 Zone. The reason I would point to this is that the lot, even under the R-10 District, would be non-conforming in its existing condition. The R-10 Zone requires 10,000 square feet where this lot is only 6,000 and the

existing width of 50' is only 62% of the required 80' in the R-10. Even if we consider this lot under the R-10 scenario, we have a hardship in consideration of the existing lot configuration in area and dimensions. Furthermore, these non-conforming setbacks are not unusual for the area. If we consider the surrounding lots, we could simply look north to the Lot 28 in the same Block or across the street to that property, both of which have even less conforming setbacks than the ones provided within this application. Ultimately, this is a unique lot, which independently, is not suitable for the permitted uses within the Zone Plan and, due to the hardship of its non-conformity, requires a number of bulk variances.

It is important to note that the Applicant included buy/sell letters in the notices to adjacent owners with no response in this regard. Furthermore, the owner has listed this property for approximately eight years now with no offers to buy. We feel that the project will bring value to the area and we do not foresee any potential negative impact from this relatively small development. We believe the variances are warranted in this case and I'm open to any questions from the Board.

Member Covelli: The Applicant is Mr. Licastro and the current owner you referenced is Mr. Tanner.

Engineer: Yes. Mr. Licastro is Mr. Tanner's son-in-law. The Tanners have owned the property for, I believe, 35 years or so. My understanding is that early on in the ownership they were seeking to develop the property but public sewer was not available at the time. For that reason, they did not proceed with and eventually the zone changed and they were not in a place where they could pursue the required variances. The family is now at the point that they are seeking to do that and develop the property.

Member Covelli: Will this be an owner occupied property or a rental property?

Attorney Mondello swore in Jason Licastro, 122A Webster Avenue, Jersey City, NJ, 07307.

Attorney Mondello: Board Member Mr. Covelli was interested in whether you are living or someone else.

Mr. Licastro: I think the intention here is to build the house and sell the house. At this point in time, after 35 years, my father-in-law, has overtime spent a lot of money on the property for taxes and the initial purchase and he is not wealthy man. We are not looking to make a lot of money off this, but I hope to at least recover the monies put into the property so the intent is to sell the house.

Acting Chairman: On the site plan, you are proposing a 24' wide driveway. Half of the depth of that driveway is not on your property.

Engineer: That is correct. So there is a portion of that driveway which is in the right-of-way. If you drive that street, in fact, many of the properties provide no parking outside of the right-of-way. It is very common on that street. The road is very winding and hilly. Most of them have a gravel pull off adjacent to the pavement so that is allows at least a full head in parking.

Acting Chairman: This Board cannot approve parking on someone else's property.

Attorney Mondello: You would have to go to the Mayor & Council and ask to park there.

Engineer: Allow me one moment and let me put a measurement on how much is in the property. Is that municipal property?

Acting Chairman: It should be the Borough's right-of-way.

Member Covelli: Borough right-of-way is municipal property.

Engineer: To clarify, we do have 10' so we could potentially fit one vehicle parallel parked outside. I anticipate that the town's ordinance is probably to have two parking spots.

Acting Chairman: Chris, it's not on the zoning table. What would that requirement be, 2 or 3?

Attorney Mondello: RSIS doesn't apply to a single-family home. I have found from other towns that it's not in the ordinance, but it is typically two.

Member Covelli: Is there a garage here?

Engineer: There is not. We had initially considered putting a basement level garage but the driveway was very steep to get into that garage so we ended up pulling it off. We could revise the plans to provide two parking spots entirely on the property by utilizing more of the width of the lot and potentially a little bit more depth as well. Maybe we could get two angled stalls.

Acting Chairman: We can't approve that.

Engineer: Understood.

Attorney Mondello: That wouldn't foreclose the Applicant from appearing before the Mayor & Council and requesting some type of license or permission, but I don't know what they would do with that.

Engineer: I think that will probably be unnecessary. I think we have the ability to probably make the revision necessary.

Member Covelli: I wouldn't recommend that.

Engineer: No, I think we would choose to amend the plans to get the parking that we need on the property.

Acting Chairman: What are plans for stormwater management on the property?

Engineer: So on stormwater management, we currently haven't proposed anything then roof leaders on splash pads/blocks at the base of the building. There is physical space potentially to have either seepage pits or recharge chambers but there is a concern about depth of bedrock. Much of the area has a lot of rock outcrop so we probably don't have any significant depth. So on the one hand that's difficult for us to provide any recharge and on the other hand it's probably not getting much today as it is seeing that we have a lot of rock on the surface and shallow beneath any soil that does exist.

Acting Chairman: But you are also covering a lot of the lot that seep water now won't be able to.

Engineer: Again, the amount of water that is being infiltrated into the ground today is, I believe, minimal given the amount of rock unless that rock is fractured, which it doesn't appear on the surface. The other consideration is that the drainage of the property currently sheet flows at a west to east towards the roadway and that drainage pattern would remain unchanged. In other words, we are not going to be potentially directing water directly onto the neighbor's house or something of that nature.

Member Covelli: At the end of the day, we are taking 6,000 square foot lot, we are making a fair amount of it (19.3%) impervious in an area that you didn't do perc test because you are not looking for a septic or anything, but you don't know the perc rate of the area. You

are making assumptions based on the bedrock and rock outcrops that you see, but with all due respect, I would like to see some kind of seepage pits or something to insure a zero net increase.

Engineer: I guess if we were to propose something, my point is that in order to install that item, you may need to hammer into the rock at which point you are just creating a permanent bathtub. It is not seeping into the ground if you have the high bedrock as anticipated based on the site indications with the exposed bedrock throughout a large portion of the site. I guess what I am getting at is, when it rains today, maybe we have 18" in some areas of the property of soil and before we hit the rock, not that much water is making it into the ground, it is going to hit that rock and move laterally until it hits an exposed rock base and then it will come to the surface.

Member Covelli: But you have vegetation and the like that is going to absorb it and when you remove that and you put impervious surfaces of roof and house you are exacerbating something, whether it's the neighbor or the roadway in a drainage system in a roadway that is inadequate as we speak. We are exacerbating something. Somewhere every action has a reaction, so I think that there has to be a plan to deal with this. It would be the Applicant's responsibility to find a spot on that property. I am restoring a house in the middle of Haskell and I put in two seepage pits so that I wouldn't cause anybody a problem. I am in a very flat area and I don't know where that water is going to go.

Acting Chairman: Doesn't the State actually want a net decrease with new developments Chris?

Engineer Nash: No, it doesn't fall under the requirements; it is not required. The development is too small.

Member Covelli: It's recommended, but not required, right?

Engineer Nash: It is always recommended. They are also showing an underground propane tank. You're saying you can't put anything underground, but you have an underground tank.

Engineer: The difference being you can hammer for the propane tank.

Engineer Nash: You can have a retention tank and let the water out slowly.

Engineer: Right. We would have to size it depending on what that calculation comes to and that could end up being a very large tank.

Engineer Nash: There are no requirements so you can size it for the two year storm, or the one year storm. Because when it rains heavy, all bets are off. You just want to catch all these nuisance storms that happen monthly.

Engineer: I think we wouldn't be opposed to doing such a thing and, as you mentioned, it is very common to try to offset any increase. Practically speaking, I thought it would be difficult on this site.

Engineer Nash: I can work with Mr. VanderValk and we can come up with something.

Engineer Nash: I have a few questions, Mr. Chairman. Just on the testimony, your bulk requirements table indicated that the lot area permitted is 20 acres, but I'm looking at Section 114-14.7(E.1) which is the bulk requirements for this Affordable Housing Overlay Zone and it is 5 acres.

Engineer: Yes, I believe actually I remember coming across that as well. That is a typo that can be corrected.

Engineer Nash: More importantly, you are asking for a Use Variance and I didn't hear the argument to support the Board considering the Use Variance. I didn't hear the positive/negative criteria argument that there is no detriment to the zone or zone plan. That whole argument, we haven't heard that and since it is a Use Variance, the Board needs to hear this.

Member Covelli: Mr. VanderValk, are you a Licensed Planner?

Engineer: I am not a Licensed Planner. I think the point I was trying to make was that this lot, given its surroundings, giving the nature of the lot itself, is uniquely suited for the proposed use as opposed to the use that is permitted here. As I mentioned in my testimony, the use permitted is multi-family and envisions larger scale multi-family housing which could support affordable housing. Here we have a lot that is only 6,000 square feet that doesn't provide the means to accomplish what the property is zoned for and so I feel that this lot, in that sense, is uniquely suited to be a single-family home. When we add on top of that the nature of the neighborhood, the fact that north, west, east, south we are looking at single family homes, the lot would be in character with the neighborhood, which would be a beneficial point to the neighborhood rather than bringing in a three family home here on this small lot. I think it is more appropriate to put the single family home on this lot.

Member Covelli: Is it your contention that, in fact, to build what it is zoned for would actually be out of character for the neighborhood?

Engineer: Yes, that is my testimony.

Engineer Nash: What could be built here and be conforming while apart from the 5 acres that they don't have? What could you build and potentially argue to build in this zone as high density housing? Have you looked at that at all?

Engineer: We did. In fact, in initial conversations with Mr. Licastro we considered should we propose a two family home here. It is permitted in the zone. It could be more beneficial to him from a financial standpoint to build a two family home rather than single family home. Ultimately, it was decided this lot really doesn't support a two family home. We already touched on parking limitations for just a single family home. We talked about the amount of impervious coverage that is needed and that would just be further increased. So, we certainly did consider it, but ultimately felt that it wasn't proper for the neighborhood or for this piece of property.

Member Covelli: The square foot of the house is 27.6x42x2?

Engineer: Yes

Member Covelli: It is a 2,200 square foot house.

Member Ludwig: Have you done any test borings?

Engineer: The owner has historically but I don't remember the findings.

Member Ludwig: You are putting a basement in there. Are you going to have to blast?

Engineer: So on the low side of the building, the basement will be at grade, and then as we go into the slope, then we anticipate probably have to hammer, yes.

Member Ludwig: Hammer or hydraulic splitting?

Engineer: Right.

Member Covelli: You'll have a hammer right there to do what you need to do with the propane.

Engineer: Potentially, we can do that and, as long as the rock ends up sloping not creating a basin underground, then we can certainly. Like I said, physically we have the space; it's

just practically will it function, and as Mr. Nash indicated, I think we can find a solution for the drainage.

Member Covelli: I noticed on the concept drawing, you have every view except the front.

Engineer: The front is showing.

Member Covelli: Is the front the east elevation? Yes, it is. There is the front door. I'm sorry I missed it.

Engineer: East elevation would be correct. That's what faces the road.

Member Covelli: So that is what you see from the road?

Engineer: Yes, correct. You can see on the back of the property we are digging for the first floor step out on grade and the front basement steps out on grade as well.

Member Covelli: I understand the grade you are talking about with respect to the garage.

Engineer: We would have to put it where that entrance door is showing. Again, an initial version of the plan actually that I shared with the Applicant had a garage, but ultimately the driveway was so steep it really wouldn't function, especially in the winter.

Member Covelli: That would be unless you lowered the house on the lot, which would require more excavation.

Engineer: That's correct. It would require more retaining walls. And you are correct, it would require a lot more excavation on the high side and we already have 4' retaining walls. Then the question was do we want to build a 10' retaining wall 15' off the house.

Member Covelli: I'm looking at the concept drawing and it looks like the backyard is not even equal to the first floor. The first floor being actually say the basement because the house appears as three story when you count that the first floor is a walk out basement.

Engineer: Yes. So on the rear, the basement level is buried.

Member Covelli: It doesn't look quite buried the way it's drawn.

Engineer: I'm sorry, there is no rear view here. We have a front.

Member Covelli: I'm looking down the side and there are slopes.

Engineer: On the two sides, right. So if you look at the south elevation,

Member Covelli: Again, looking at the eastern elevation picture.

Engineer: In the eastern elevation picture, most of the basement is exposed. That is correct.

Member Covelli: I can see where someone put

Engineer: That is very conceptually. I don't know if that is the grade at the midpoint of the building, the back of the building. But if you look at the south elevation, that shows you a profile of the entire property back to front and you can see at the back of the house we are doing this excavation and building a small retaining wall in order to get out of that first floor above grade. The point of this whole conversation is to sink the house even further to get a garage or just to have closer access to the street, we are talking about a much bigger excavation and retaining walls.

Member Covelli: I really didn't have a chance to go look at this lot, how high does this house appear as compared to other houses in the neighborhood. So if this house is proposed to be 31', I'm thinking about the fact that the house appears as a three story home but how does that fit into the character of the neighborhood? How many other two story homes are there in that neighborhood?

Engineer: I know that if you drive down that street, many of the homes, as I mentioned earlier, have a pull off near the road and then a large series of steps, whether concrete or

decking, and you go up high on top. I don't recall if they had their living space and the second story and that was it, or if it was built slab. I couldn't say for sure. I know a lot of the houses are high above the road and, if we are talking in relation to this house, this house is down sloped of the homes to the south and so an elevation view if we look at that front, certainly on the east elevation, that roof line will be below the neighbor's roof line. Member Covelli: To your point, again conceptually, I do see better what you are talking about that the rear is much closer to the ground of the basement.

Engineer: Yes.

Member Covelli: So when you gave us the height of 31', are you measuring that from the front, back or is that average?

Engineer: It's per definition which is the mean between the peak and the eaves measured to the average grade along the front of the house, which is the view where it looks like a three story.

Attorney Mondello: I'm struggling here, but may Engineer Nash or Engineer VanderValk can help me here. The RD-3 Zone, §114-14.6 and that says, for the regulations look to §114-14.3 that's where you got the 20 acres from.

Engineer: Yes.

Attorney Mondello: Engineer Nash referred to the Affordable Housing Overlay Zone, which then Section E. points to 5 acres. Which set of regulations do we use? Because the Overlay Zone is for affordable housing, and this has nothing to do with affordable housing. The RD-3 Zone indicates that this particular zone is supposed to permit a development of townhouses and apartment type residential construction. This concentration of housing will act as a land use buffer between the RD-2 Zone and the existing single-family residential zone/neighborhood. I think the Board would be hard pressed not to use the RD-3 regulations found at §114-1.6. Any thoughts on that?

Engineer Nash: You need to look at the Zoning Map. The Zoning Map has the Overlay Zone and I'm trying to pull it up.

Attorney Mondello: The RD-3 Zone would indicate that you really need 2 parking spaces. It talks about parking. It says townhouses would be 2.5, apartments are 2. There is supposed to be .5 for visitors.

Acting Chairman: I think for a permanent home, we would have to consider that a minimum regardless.

Attorney Mondello: But you couldn't impose something higher because then they would have to do that for every residential house.

Acting Chairman: No.

Member Covelli: I understand the concept of what the problem is with the zoning that you wouldn't build a multi-family there. It just wouldn't work.

Member Ludwig: Unless you bought all the houses and tore them down.

Attorney Mondello: That is Engineer VanderValk's point as positive criteria.

Member Covelli: I don't necessarily disagree with the concept, I'm grappling a little bit more, I don't want to say details, but getting into the finer print that you will address the parking, you will address the net zero runoff and, if we gain in that process, that is a good thing.

Engineer: Agreed.

Member Covelli: Now I have to tell you when you get onto the conceptual and you are pulling up and seeing this three story house, I guess I'm waiting to see Mr. Bates' in the window looking out at me. I don't know; it is very there.

Acting Chairman: I think in your testimony did you also say that you had attempted to inquire surrounding properties or also offer it up for sale. I didn't see any copies of that in the package that we got.

Mr. Licastro: The Notices were issued to all the neighbors and to the town.

Attorney Mondello: He is referring to, have you tried to purchase other surrounding lots?

Mr. Licastro: Yes. All the adjoining neighbors were given a letter.

Acting Chairman: Do you have written documentation on that?

Mr. Licastro: I have an Affidavit and certified mail receipts that they were sent.

Member Covelli: That the offer was sent?

Mr. Licastro: Yes.

Board Secretary: He put the letter in with the Notices and didn't get any response.

Mr. Licastro: They were together.

Attorney Mondello: Got it; fair enough.

Member Covelli: And you received no response back of anyone being interested?

Mr. Licastro: Not to date.

Member Covelli: Are the lots surrounding this lot substandard lots in and of themselves? For example, is there someone next door that owns 20 acres that could easily sell you 2 without impacting their home and making this 2 acres and 6,000 square feet versus what we have.

Mr. Licastro: If I purchased every lot that I sent a letter to, I still wouldn't have 5 acres.

Engineer: To answer your question as well, everybody else is already substandard in the RD-3.

Member Covelli: That's my recollection that all of those lots are somewhere near this 6,000 or 8,000.

Engineer: Some are certainly larger. As I said, they are all different shapes and sizes. It is a unique neighborhood, but they are all substandard so if anybody sold him anything, then they are coming here for a variance. It would be a worse condition.

Member Covelli: Yes, there would be exacerbating. That's important to put on the record which is why I am asking the question.

Acting Chairman: And that subdivision probably wouldn't be approved anyway since you are creating substandard lots.

Member Covelli: Are you familiar whether this property is in the Highlands?

Engineer: This is not.

Member Covelli: It is not. That area is not in the Highlands?

Engineer: I believe so. If it is, it certainly questions for an Exemption.

Acting Chairman: Any other Members of the Board have any questions?

Alright, at this time we are going to open it up to the public for questions, and questions only, on the testimony that the Engineer gave. So anyone from the public, if you have a question of his testimony.

Member Covelli: Mr. Chairman may I also add, just so that they know, there will be an opportunity for you to give an opinion. For now, this is just questions.

Acting Chairman: Please come up to the microphone please and give us your name and address.

Cristina Murphy – 8 Roger Avenue

Ms. Murphy: Why can't the minimum required side yards be provided for the R-10 Zone?

Engineer: As I mentioned earlier in the testimony, the R-10 Zone actually has a lot width requirement of 80' and then they have side yard setbacks of 15'. If we were to take the two 15's off the side that leaves us with 50' of buildable width in a conforming lot scenario in the R-10. With our lot, our width is only 50'. If we were to take 15' off of each side we are left with a 20' wide house, which is like a one unit of a townhouse. It is very narrow.

Attorney Mondello: It also begs a more obvious question, why would you impose the R-10 regulations when it is an RD-3?

Engineer: I think this question comes from Engineer Nash's report raises the point that the R-10 is nearby, a few blocks away.

Engineer Nash: It was a point of reference for the Board. If you look at the bulk standards for the RD-3, it doesn't apply to a single-family house. I pointed it out as a guide. The R-10 Zone kind of surrounds this zone and much of the houses in that area would need to conform to the R-10 so I'm giving the Board a reference of the R-10 bulk requirements. That's why we are stuck.

Engineer: I don't disagree with the approach. In fact, it is something we would typically do under this scenario. I guess my point is that seeing as we are not conforming, even under the R-10 requirements, even if we were zoned R-10 we would be here for bulk variances. I believe even those bulk variances would be warranted given the hardship of the lot size and lot shape.

Attorney Mondello: A C-1 Variance.

Engineer: Correct. Not a Use Variance.

Ms. Murphy: How many bedrooms are proposed and is the basement proposed to be finished?

Engineer: Sheet 2 of these plans, which were prepared by the Applicant, and, for the record, both Exhibits here tonight are the same as you have before you, no changes to them. The basement would be largely finished. There will be 4 bedrooms.

Ms. Murphy: I may be mistaken, but the building height calculation appears to be based on a slope across the front of the house. The elevation indicates no slope.

Engineer: The elevation in this picture is, again, conceptual in nature to give the ability to visualize the home. Certainly, the dimensions are important as far as the footprint on the floor plan and the floor elevations. The height calculation is actually based upon the length on the grading plan. We have elevations on the two front corners and we averaged those elevations for our average front grade and then we measured from that elevation, which happens to be 2485 to the average roof elevation and that's how we come up with the height of 31.2.

Ms. Murphy: Thank you.

Attorney Mondello: Do you know whether or not this particular lot is in the Affordable Housing Overlay Zone, or not?

Engineer: I believe it is in the overlay zone, correct.

Attorney Mondello: I am going to have to speak to the Borough Attorney. If, in fact, the Board was inclined to grant the application, the Applicant may be on the hook for some amount of money that needs to go into an affordable housing fund.

Engineer: Okay. We would be happy to learn if that is true and what the amount is.

Acting Chairman: Anyone else in the public have any questions, and questions only, for the Engineer?

Kathleen Gallanthen – 1 Quarry Road (which is next piece of property)

Mrs. Gallanthen: I would like to know why you're putting propane tanks in the ground when they don't even want oil tanks in the ground and why not gas?

Engineer: Natural gas, my understanding, is not available on the street.

Mrs. Gallanthen: I have natural gas. I'm next door on Quarry Road. It comes in from the bottom of the hill.

Engineer: From bottom of hill, meaning Doty Road.

Mrs. Gallanthen: That was going to be one of my other questions. The map I believe says Gorge Road. Other maps, and I've been here for over 30 years, say Gorge Drive and the street that he is building on, his next door neighbor lives on Roger Avenue. That has nothing to do with the building itself, I understand that.

Acting Chairman: There are no street signs up there. I am it is very confusing.

Mrs. Gallanthen: There is a Quarry Road sign.

Acting Chairman: That's the only one.

Mrs. Gallanthen: Why not gas?

Engineer: If gas is available, we'd be more than happy to connect to natural gas. That would be preferred and we would certainly change that so we will have to look into it. If it is available, we will do that.

Mrs. Gallanthen: Why would you not think that living on a slope, as you do, that goes down, that there wouldn't be any reason why you would need to do something about the water that comes down the mountain and down Roger Avenue. I don't know if any of you have come and looked at the piece of property or know anything about what goes on there during the rains or the winter, but it's not good. My question is why would you not even think about doing something about that?

Engineer: To answer the question why I wouldn't think about it, certainly we've thought about it. The space was limited, we had the rock condition and those were the reasons that we decided against it initially, as well as the fact that the regulations don't require it. Now, given the fact that you, as a neighbor, and the Board here are interested to see such a design, we are going to amend our design to do so.

Mrs. Gallanthen: Just so you know, the piece of paper that you sent in the stuff that came to my house, it was first presented to the post office on the 27th and I got it on 8/2, so if I wanted to give it back to you, I couldn't.

Member Covelli: Sounds like Mrs. Gallanthen gave you quite a tip tonight. Natural gas is not only a big savings for your construction it's an advantage when you sell the house. When someone buys it, it is much cheaper to operate. I think you owe her quite a thank you she had quite a tip there for you. That would also mean that you might be able to her point about adding some foliage or we are back to that seepage pit because, I said before, I am not familiar with this specific lot, I am familiar with the area. I've been up there a number of times. I marvel at it as someone who grew up in Highland Lakes. It reminds me of Highlands Lakes. The point being that I think the area is very sensitive to drainage issues. If I were to get a reading or a feel from the group, I think one of their concerns is, and you've already testified, that you will work with our Board Engineer to have seepage, but what else can be done to minimize or to absorb through plantings and the like to work towards not only a net zero, but maybe a net decrease.

Acting Chairman: Anyone else from the public have any questions, and questions only, for the Engineer?

Attorney Mondello: Question for the Board, the Code says that there is a bird sanctuary.

Acting Chairman: That is what it is called. The area is called the bird sanctuary.

Acting Chairman: Are you going to have any other witnesses?

Engineer: That concludes our testimony.

Member Covelli: Can you comment on what I just said?

Engineer: As far as the drainage, yes. We are happy to design some sort of drainage system to decrease runoff.

Acting Chairman: If you go up that road today, you'll see the remnants from the last rain all over the road. It is definitely an issue.

Engineer: Certainly, we'll take responsibility for our increased runoff on the project.

Acting Chairman: At this time, anyone from the public who would like to make a statement on this application, come up at this time. This will be statements.

Attorney Mondello: This is the period of time where you can speak whether you are for or against the application. You are giving testimony so I'm swearing you in.

Attorney Mondello swore in:

Mark Deraffele – 2 Roger Avenue

Mr. Deraffele: I am the property right next to them. The water problem first off. It's a river every time it rains normally down across Greenwood Avenue from their property because of the rocks. Putting a house there, and cutting all those trees down, which absorbs most of the water, you are going to have a river going across the road, guaranteed. I've been up there 25 years and I know how everything runs next to my house. These gigantic rocks go underneath their property, underneath my house and up through my backyard. That was another thing I wanted to mention if they are drilling or blasting, who is going to be liable for my home, foundation cracking and walls. Because that rock that runs through their property runs directly under my house and is exposed in my backyard and goes up and over the hill.

Acting Chairman: That would have been a question for the Engineer.

Mr. Deraffele: I didn't know if he was going to be blasting or drilling?

Acting Chairman: I know blasting requires pre-blast surveys, but I don't know about drilling and hammering.

Attorney Mondello: Engineer VanderValk you can respond if you want.

Engineer: We will not be blasting. The rock will be removed by hammer.

Acting Chairman: As you face the Applicant's property from Gorge Drive, where is your property; to the right or left?

Mr. Deraffele: He is to the right of me.

Acting Chairman: So if I am facing his property, you are to the left?

Mr. Deraffele: Yes. I am above him.

Member Covelli: And the young lady that testified a minute ago is below him.

Mr. Derafelle: Correct.

Engineer Nash: You are stating that, when it rains, there is lots of water coming down past your property, debris and everything.

Mr. Derafelle: Absolutely

Engineer Nash: Is all of it coming from this vacant lot?

Mr. Derafelle: Comes through my property and the lot.

Engineer Nash: No. Is all of it generated from this lot only?

Mr. Derafelle: Not all of it.

Engineer Nash: Okay, so should these guys get approved and should these guys build, they can't eliminate all of the water on the street. There is going to be some, but they can only take care of what they can take care of on their lot. That is the thing that we would be looking at.

Acting Chairman: You can see the gravel and everything down the entire hill.

Mr. Derafelle: I am constantly cleaning the street because of all the gravel and everything else coming off that lot and coming down the road. It's crazy. So taking away the trees on the lot is going to make a lot more water.

Member Covelli: Which goes back to my question before.

Engineer: We can certainly add trees, but there are only so many trees we add given the house. You don't want large trees growing right next to the foundation obviously.

Certainly, we can do evergreens and things like that to line the property line. We are trying to leave as many trees as we possibly can but obviously the lot is going to have to be slighted regraded. We don't want to kill the trees either.

Mr. Licastro: To add to that, I wouldn't have any intention of just stripping the lot bear. I would prefer to leave as many trees there as is practical for the construction and the lot in general.

Attorney Mondello: Anything else you want to say?

Mr. Derafelle: No.

Attorney Mondello swore in:

Kathleen Gallanthen – 1 Quarry Road

Mrs. Gallanthen: I am south of the property. I am going back to one thing that you (Engineer Nash) were talking about the property to the left of him about "this property can't take care of all the water" and I understand that, but I am below him. My property goes back 300' so behind me I am also behind a mountain and right now the water runoff for that mountain I can show you pictures of the Niagara Falls coming down my yard,

under my deck, out the front and down. It is horrible. There is something going on up at the top that this water just keeps coming down. I'm not saying it's coming from his property and it could be coming down in this direction, but the property that's coming down, going up Quarry Road on the left-hand side is a big outcrop of rock. They cannot get it out of there. They have put in stone. There is a stream that comes out of there; it's like an underground stream that's coming from the top. I don't see it on the top of the ground, but I see it coming out of that rock and going down Quarry Road. The Road Department can attest to the fact that they are constantly here. The bottom of Quarry Road and bottom of Roger Avenue, which for them they have Gorge Drive, is solid ice in the wintertime. Solid ice from this water runoff. So that's my concern. I don't begrudge anybody building anything on property that they own as long as it is done properly and I'm not going to be paying the consequences of it with this water coming from property that I know 30 years ago someone tried to do a perc test on and could not dig there. I know it is all ledge, I know it is all rock and I know where I live. That's my concern. If they can do something about the water that's going to be coming from where their putting a surface down on top of where the water would be seeping into the ground, then I am okay with that, but not if it is going to cause more trouble than we already have.

Attorney Mondello: They are literally responsible to contain that water on their property.

Mrs. Gallanthen: Who ever property it is?

Attorney Mondello: He would be responsible.

Mrs. Gallanthen: Right. Well the people up on the hill are responsible too, but guess what?

Attorney Mondello: Do you have any retainage tank on your property?

Mrs. Gallanthen: No. I've been there for 31 years. I never had that problem; it just started probably about ten years ago. But that's not his side, that's the other part of my property. I just don't want this part to have the same issues.

Attorney Mondello: Understood.

Attorney Mondello swore in:

Cristina Murphy – 8 Roger Avenue

Ms. Murphy: Just so you know most of the homes back there are quite small. You have some bigger ones but the majority of the places it's kind of like a bungalow style area so as far as fitting in this place is pretty big.

Attorney Mondello: What you're saying is what he is proposing is out of character with the neighborhood because it is much bigger than other houses?

Ms. Murphy: I have a two bedroom and that is more typical around that area. So that's just one thing if you could make it smaller.

Engineer Nash: How many stories do have?

Ms. Murphy: It's a cape cod.

Engineer Nash: Is it a full cap with a full dormer on it so you have two stories?

Ms. Murphy: It is one dormer, not a full second story. And, just so you know, there will probably be water in the basement. I have like a Niagara Falls in my basement when it rains hard because you are on rock and there is nothing you can really do. It just flows down into the basement and then back out and down the street. So I guess that is what her concern is because the way it flows you are on a mountain. If you are going to do rock removal, I would ask if you could please do vibration monitoring to protect the homes close

by because that is a big worry of mine. I live on the side of a hill and so do most of these people and we don't want our homes to be effected by that.

Attorney Mondello: Thank You. Anyone else?

Attorney Mondello swore in:

Jose Pagan – 24 Skyland Avenue

Mr. Pagan: I live at the top of the hill. My concern is, like she mentioned, this is a very big house to be in that area, especially the little lot that you are thinking of. I know you tried to sell it and I saw the sign for sale but I never saw anything more than that. Could it be sold instead of building a house because there is not a lot of space? Your roof would actually be in the neighbor's line of view. I know from living on the top, I'm glad I have at least 30' from my neighbor because, if not, he would be going crazy with the water problem that she was talking about, which is not on my property. I do look over and see it coming down but it is the design of the property next to me. At least I have 30' from the next house that is below me that I have room if anything happens. You are literally right on top of everybody. It is right there. The other thing is how far are you going in this design? Are you going all the way to the entrance of Roger because that would change even the privacy of coming into that community? I feel that area is a community so we have two pillars; one is in front of Gail and the other one is on the other side so now if you start changing everything it is all different, we become more public and I like the privacy of how we come to this property, we don't have to worry about craziness outside. These are just my opinions. Thank you for your time.

Attorney Mondello: Can you answer his question if you are building out to Roger?

Engineer: I'm trying to understand. Are you talking about Quarry which is the beginning of the Roger because we don't own all the way?

Mr. Pagan: There is another lot.

Engineer: No, I think the other woman has testified. She owns the lot that is the whole length of Quarry. We don't go all the way out there.

Attorney Mondello: It is somebody else's property; Mrs. Gallanthen's I believe.

Attorney Mondello: Anyone else? All right Mr. Chairman, back to you.

Acting Chairman: As you are aware, we cannot vote on this tonight; we do not have five members. Do you want to sum up or hold off until you come back with revised plans?

Engineer: I think we can save that for next time. As far as procedure next time when we come back, I guess we would be opening to the Board again for questions and new members who listen to the tape?

Engineer Nash: You would have revised plans and that's what opens it up.

Engineer: You are going to want revised plans for the next meeting?

Engineer Nash: Yes, I believe the Board would be looking for revised plans particularly to address the drainage issue.

Member Covelli: When you come back to the next meeting, would you be able to provide a proposed landscape plan or something. There is a common theme from the neighbors here, and the common theme is they have concerns, I don't think you are responsible for all the water in the neighborhood, and it sounds like they're not holding you responsible for all

the water in the neighborhood, however, they want some kind of reasonable assurance that you are not exacerbating the situation. As I listen to what they say, and listen to what you are doing, there is actually a way that you might be actually improving things because right now whatever is happening is happening. If you are actually making a conscience effort to collect water and put in a retention area, that could actually be a net gain, but they're not knowing that right now and I think they are all from Missouri and want you "to show them". You might want to be able to talk a little bit about that. I am sure that Mr. Licastro has a thought that he doesn't want to take all the trees down because people love trees, but trees are expensive to take down so I'm sure he would love to leave as many as possible. He also made a valid point that he has to determine what trees are in the way to grade the lot, etc. He's not going to want to kill the trees in the process. People don't like buying houses with big dead trees. With that said, he is going to have to have some kind of plan of what he would be doing and I think that will help the Board, as well as maybe perhaps ease the concerns of the neighbors.

Acting Chairman: I think Mr. VanderValk what you have heard is a lot of different things here such as parking, which you need to figure something out with that. There seems to be an agreement that a lot of people are concerned with the overall, in your face, of the building from the front. I don't know if that is something that you might want to think about, maybe revising a little bit. Again, you heard the concerns. It is your application and you are free to do what you propose, I'm just bringing out again, so that everybody is on the same page with what those concerns were, and the water. These seem to be the three main issues.

Attorney Mondello: And we can get an answer with respect to the gas.

Engineer: I got all of those in my notes and we'll be back next month with a new plan. Ten days before.

Member Ludwig: Does it really have to be three floors? I mean it is a five bedroom house. The guest room has a closet in it and, guess what, the town considers that a bedroom.

Engineer: The issue is here as far as the stories, if this lot sloped the other way, you'd be saying this is a nice house.

Member Ludwig: As someone who has been in construction my whole life, built houses and everything else, I don't know if it is even wise for you to build that doesn't match anything. You are not going to get \$500,000 if all the other houses next to it are \$250,000.

Mr. Licastro: Just on that comment, the simplest thing to do here, and I kind of mentioned before the intent here is not to maximum development and make a lot of money, that's not kind of what we are doing, we just want to put something modest and get the money. The lot presents a lot of site work challenges and a lot of engineering challenges. The cost to get out of the ground for what really isn't a large house as far as general new construction is concerned.

Member Ludwig: But not in that neighborhood.

Mr. Licastro: Of course, I agree.

Member Ludwig: Believe me, when they were blasting to put an addition on my house for four days. The only thing with me I was lucky when they were blasting it fractured the rock underneath so it gave it a place to go.

Mr. Licastro: If I could build a smaller house and get away with what goes into building this structure, I would do so. The size of this house, as it's constricted by the lot restraints and also it's restricted economically to be any way viable.

Attorney Mondello: The problem is the Board never takes finance, economics and hardships, we don't deal with that.

Member Covelli: You certainly presented the hardships of the lot which is what we consider. Take what you will from what you've heard here and what you've heard there. You have to make a sale and close the deal. Be guided accordingly.

Engineer Nash: You heard from Member Covelli, the landscaping plan affords an opportunity also to corral some drainage and corral some water so you are able to control runoff with landscaping. It is not just aesthetics. Think of it like that when you are putting it on paper.

Engineer: Okay

Acting Chairman: So with that the Motion would be to carry this application to the September 1st meeting.

Attorney Mondello: That's assuming we are going to get new board members.

Acting Chairman: I believe we are definitely going to have one and maybe two.

MOTION TO CARRY APPLICATION TO THE SEPTEMBER 1, 2021 MEETING:

made by Member Covelli, seconded by Member Ludwig. Voting yes were Acting Chairman Grygus, Members Covelli, Ludwig and Pasznik Motion Carried

Attorney Mondello: This application is being carried to the September Meeting and there will be new plans that will be available for you to review at the Borough Hall. There will not be any further notice. You are not going to get another notice from this applicant saying September is the meeting. This is on the only notice you will get.

Board took a break at 9:17pm and reconvened at 9:26pm with all Members present.

PUBLIC DISCUSSION: Anyone from the public have anything to discuss with the Board? Hearing and seeing no one.

RESOLUTION: ZBA2021-05 Hoogmoed, Robert, 43 Laura Avenue, Wanaque

This application was to construction a second story addition to an existing one story house and construct a new covered front porch with special conditions. The Applicant shall remove the gable eaves so as to not have his house overhanging on the neighbor's property and the Applicant is to remove the chimney. I did circulate the Resolution and I'll entertain any questions or comments the Board may have at this juncture. 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 MEMORIALIZE THIS RESOLUTION AS PREPARED BY BOARD

ATTORNEY: made by Member Pasznik, seconded by Member Covelli. Voting yes were Acting Chairman Grygus, Members Covelli, Ludwig and Pasznik Motion Carried

CORRESPONDENCE: Resignation of Philip Stefanowicz as of August 1, 2021

VOUCHERS: submitted by Ronald Mondello, Esq. for the Hoogmoed Application in the amount of \$450; and for attendance at the August 4, 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 Covelli, Ludwig and Pasznik**

VOUCHERS: submitted by Boswell Engineering for the Hoogmoed Application in the amount of \$424; for the Buske Application in the amount of \$954; and for the Macedon Builders Application in the amount of \$106.

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

MOTION TO APPROVE June 2, 2021 MINUTES: made by Member Pasznik, seconded by Member Ludwig. Voting yes were Acting Chairman Grygus, Members Covelli, Ludwig and Pasznik

ENGINEER'S REPORT: Nothing New

DISCUSSION: None

MOTION TO ADJOURN AT 9:30 PM: Motion made by Member Ludwig and carried by a voice vote.

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