

REGULAR MEETING

Salute to Flag: 7:05PM

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

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

ABSENT: Vice Chairman Bruce Grygus and Member Helena Aumenta

**Application ZBA2024-03 – 518 Wanaque, LLC – 518 Ringwood Avenue, Wanaque
Lindsay Janel, Attorney for the Applicant, 518 Wanaque LLC, for property located at 518 Ringwood Avenue, Wanaque.**

Attorney Mondello: Mr. Chairman, I've had an opportunity to review the notices and publication in the newspaper and I find that they are adequate and that jurisdiction is vested in the Zoning Board to hear this Application. Briefly tell us who is going to be testifying and what this Application is about.

Attorney: Specifically, we are here to request the conversion of a first floor retail space into a one bedroom residential unit. This is a conversion that requires a few variances. Two new variances, one Use Variance and one Bulk Variance pertaining to the use. It's not that it is not a permitted use in the area, the building already has two apartments. It is not a permitted use on the first floor so we are here for a one Use Variance. We are also here for a Bulk Variance because the Code indicates that a one bedroom apartment in this town has to be 750 square feet. Our proposed apartment is only 733 square feet. We are also here for two existing non-conforming variances that are going to be actually reduced because there is parking situation at the property. The use requires 11 parking spots and we are only proposing 6. However, that is actually more parking than is there currently. We are also seeking a small deviation from the size of the parking spot. We are proposing a 162 square foot parking space, where a 200 square foot parking spot is required. Then there are 7 existing non-conforming that are to remain. This evening we will show that permitting a deviation from the Zoning Code is justified by special reason in that this property is particularly well-suited for residential use given the location and position of the building as well as affirming the two prong negative criteria test given the Application lack of

substantial detriment to the community and furtherance of the Master Plan. This evening I have two experts with me. Cory Vandervalk, Certified Professional Engineer from MAP Engineering, Inc. and Steven Lydon, who is a Certified Planner from Burgis Associates, Inc. We also have the Applicant's Managing Member here to answer any questions as well as a Real Estate Agent who is familiar with the market. To begin, I would like to call Mr. Vandervalk. The drawing that Mr. Vandervalk is presenting you should have received in your packet.

Attorney Mondello sworn in Cory Vandervalk with MAP Engineering, 170 Kinnelon Road, Kinnelon.

Attorney Mondello: I'm not sure. Has Mr. Vandervalk ever testified before this Board, I can't recall? He is saying no. Briefly tell the Board your qualifications as an Engineer.

Engineer: I graduated from New Jersey Institute of Technology in 2014 with a Bachelor's Degree in Mechanical Engineering. I have worked in the Civil Engineering industry for the past 12 years and I obtained my Civil Engineering License in 2021. I've been accepted as an expert witness before multiple professional boards including Bloomingdale and Pompton Lakes.

Engineer Nash: You have a Mechanical Engineer Degree but you're a Professional Engineer and your testing was in Civil.

Engineer: Yes.

Attorney Mondello: Does the Board have any objections admitting Mr. Vandervalk as an Expert in the field of Engineering. Hearing none, seeing none, your witness Counselor.

Attorney: Thank You. Mr. Vandervalk would you please tell us what we are looking at in front of us on those plans.

Engineer: The plan before you, as Ms. Janel indicated, for a variance at 518 Ringwood Avenue in the Borough of Wanaque. It is also known as Block 221, Lot 7. The property is located near the intersection of Furnace Avenue and it is located on Ringwood Avenue. It is located in the B-Business Zone. If you look at the plan view, we have the existing building, which is to remain unchanged. There are no exterior changes associated with the project with the exception of the alternation of the curb cut along Ringwood Avenue, as well as the line striping. The second floor is occupied by (2) two- (2) two bedroom apartments and the first floor is occupied by an upholstery business and a vacant commercial space. The goal of this project is to repurpose the commercial space for a (1) one bedroom apartment.

With this are some variances and non-conforming uses associated with the project. The first being the Use Variance for the apartment on the ground floor in the B Zone and these are all listed in General Note No. 15 on the Plan if you want to read along. The second new variance we are requesting is for the floor area of the one bedroom apartment that is being proposed. That area is 700 square feet, as per the Architectural Drawing prepared by James Cutillo Associates, and I hope you all have that as well, where 750 square feet is required.

There are two existing non-conformities that are going to be slightly reduced. The first being the area of the parking spaces. Existing they are 108 square feet as per the survey. I was at the site earlier today. It looks like the line striping that's shown on the survey is roughly 12' long so they show the parking spot to be 12' deep. When you go out there, I actually measured 17'. As for the survey it shows 108 square feet existing for the area of the parking spot, but I estimate it to be 153 square feet currently. We are going to increase that to 162 square feet, which is 9x18, where 10x20 is required.

Regarding the number of parking spaces, they are five (5) currently and we are proposing six (6) including one (1) ADA space, where ten (10) spaces are required based on the proposed uses. We also have seven (7) existing non-conformities that will remain unchanged. The first being the lot area of 5,793 square feet, where 10,000 square feet is required. The lot width is 53.1', where 80' is required. The side yard, which would be the southern side yard setback is 0.8' currently, where we are required 15'. The combined side yard is 17.5', where 35' is required. The rear yard is 2.6', where 40' is required. The minimum apartment floor, and these are the two (2) apartments upstairs, one of them is 750 square feet existing, where 750 square feet is required; and the other one is 650 square feet existing, where 750 square feet is required. Those are to remain unchanged.

Engineer: I'd like to go through the Engineer's Letter, now this one was based on the original drawing that was submitted, the plans have been revised since then. Just going through the letter on a couple of points. No. 1 he points out the D-1 Use Variance. No. 2 and No. 6 are kind of connected in a way. I had incorrectly labeled the square footage of the apartment as 733 square feet. We have had that confirmed by the Architect to be proposed for the first floor apartment as 700 square feet.

Member Covelli: That explains the difference between what Counselor told us and what you are telling us.

Attorney: Yes, I'm sorry about that.

Member Covelli: It's okay. There is an explanation for that and that's good.

Engineer: That also pertains to No. 6 where there was obviously some confusion between all of our professionals on that point so that has been sorted out. On the third page of the letter, the Applicant should describe in testimony how the traffic will maneuver on the property. So the parking has changed somewhat from the first rendition of the plans. The reason for that was the addition of the ADA space. We did not have space to fit 6 spaces across and to have the 5' access aisle for the ADA space. The parking has been reorganized. We have 5 spots on the southern property line as well as 1 spot adjacent to the building. This will be a two-way drive aisle. Individuals will pull in and either park in one of these spots or pull ahead into Spot No. 6. There is sufficient back up as Space No. 1 is 29' which is more sufficient to backup then pull out on the road. For Spot No. 6, they will back out up to the parked cars on spaces 1 thru 5 and then pull out straight onto Ringwood Avenue.

Member Covelli: Is there a reason you made that Spot 6 slanted.

Engineer: I was just trying to keep it a little bit away from the building, otherwise it's slanted a little bit to make backing out and backing up and turning around slightly easier.

Member Covelli: It kind of looks like you beached a car there you know. I'm a symmetrical person.

Engineer: I do understand that and I could make it symmetrical for you if you'd like.

Engineer Nash: It is parallel to the north property line.

Member Covelli: That property line that nobody knows it's there so to speak.

Engineer Nash: One thing, if I could add, the parking Spot No. 1, if you could hatch the area between the sidewalk and the beginning of the parking space just so we don't have people parking into the sidewalk.

Member Ludwig: You are a school back there and you have kids walking through.

Engineer: Understood. We would have no problem doing that.

Engineer Nash: Also, while I'm speaking, I did have a chance look at this Revised Plan so there have been some revisions since this letter. They have addressed, I guess, the physical comments. Some of the comments I had were to provide testimony for traffic flow, for the planning testimony on the deficiency of the parking.

Attorney: We do have a Planner here this evening.

Engineer Nash: Understood. All of the other comments in my letter has been taken care of.

Attorney Mondello: Anything else Mr. Vandervalk.

Engineer: Just going through the parking and what I think needs to be understood with this project, I think we would all agree that the parking is not ideal. Obviously, we would all prefer more parking spaces. I know parking is an issue in this area of town. However, I think it is important to understand that we are creating a better situation by reducing traffic flow, by reducing the parking requirement going from a commercial space to a residential apartment. If you look at the parking requirements existing versus the proposed, you can tell we are reducing the number of required spaces by switching from a commercial use on the first floor to a one bedroom apartment.

Member Covelli: So let's carry that thought out for a minute. If this were to remain a commercial space, all else being equal, so we have 2 apartments upstairs and 2 commercial spaces downstairs, what would be the parking requirement?

Engineer: The parking requirement is shown on the existing parking requirements detail on our plan. The required is 12 spaces, whereas the proposed is 10.

Chairman: The parking to the vinyl fence, what is going to stop a car from going through the fence?

Engineer: Currently there is nothing shown but we can provide curb stops.

Chairman: Can they be moved away from the fence a little bit?

Engineer: Pull the parking spaces out from the fence you're saying?

Chairman: Right, you should have a little bit of space.

Engineer: We do have room to pull them out if that's what the Board would like. We could place curb stops there as well to stop any vehicles from going forward into the fence. The curb stops usually are placed a few feet in from the end of the parking space where the tires would be.

Member Ludwig: With the curb stops, it's residential and people are going to be carrying in groceries, etc.

Chairman: And customers are going to bring stuff into the upholstery store.

Engineer: Just to discuss the upholstery, as far as I'm aware, they do not sell any items. This is more of a repair/rebuild shop so I believe there is one employee and the customers all drop them off.

Chairman: There are two people in that shop.

Engineer: I'm sorry, then I was misinformed.

Attorney: It is by appointment only. It is not necessarily open to the public to come in. She only has customers come in by appointment.

Chairman: Right and they are bringing furniture or picking up furniture.

Member Ludwig: Since she is the one telling them when to come, she can make sure it's not at the height of traffic time.

Chairman: Her door is all the way to the right side of the building so with the handicap spot if a big van got in there it'd make it much harder to get into her business.

Engineer: So there is a walkway; there is separation between the door.

Member Covelli: Just out of curiosity with Spot No. 6 being all on its own, was there any thought to making that the handicap space. To the Chairman's point, that would free up the front and it would also mean that you could make each of the other spots wider.

Engineer: That was a thought and it still may be possible. The reason why I decided to go with this is because, talking about the neighbor now, this is a one way coming around and there is no, I would say, barrier between this turn and this parking spot. It is all one paved area and honestly since it is an ADA spot I would just be concerned about using this as an ADA spot and people entering and exiting the vehicle in that area. It is still an option I would say.

Chairman: The true requirement is 12 spaces.

Engineer: Proposed is 10. Based on the existing use it is 12 required. Based upon the proposed use, switching from a commercial space to a one bedroom apartment, it is 10 spaces required.

Member Covelli: We reduced the requirement by 2.

Attorney: Yes, that is why it is an existing, non-conforming to be reduced.

Member Sbarra: Can I kind of piggyback a little bit on that thought as far the left side of that building? I know right now you are proposing 6 spaces, and the requirement is 10. 7 is better than 6 and 8 is obviously better than 7. You seem like you have a lot of, it may not be a lot, but there is some space to the left side of that building toward the back end. Any thoughts on, and I don't know if you considered this or not, maybe shifting Spot No. 6 toward the back and maybe adding a second.

Engineer: So actually we have considered that and we would offer to do more of a stacked parking situation on the left-hand side so essentially one apartment would have access to these two spots and then similar to a residential driveway they would just have to work out between themselves who is leaving first in the morning and they can reorganize the cars that way.

Member Sbarra: In saying that, I was there this afternoon, the 5 existing spots that are there obviously with one of the places being vacant and currently we have 2 apartments and an operating business, there was no where for me to park to do my site visit there. Now we are proposing adding a second residential understanding that the parking is kind of not ideal currently. My biggest concern is there is not enough parking now and now we are adding another apartment, granted yes, most likely, if you have these apartments you are looking at probably 2 cars per apartment and then whatever the business is going to bring in as well. If we are talking just talking apartments, we are talking 6 spaces.

Engineer: Correct, so we are just talking about the spaces that are there right now and the commercial space so from an existing perspective I guess the alternative theory could be basically this unit is rented as commercial and the parking situation gets even worse. Maybe not gets even worse but a commercial business is able to go in there and create even a worse of a parking situation.

Member Covelli: Mr. Chairman, you looked at this site, and I don't recall, that area behind Spot No. 6 is that grass or asphalt?

Chairman: Paved. It is all paved.

Member Covelli: I was going to ask about the oil tank and I was also going to ask about how we add some greenery on this property because this thing is one heck of a paved and concrete area.

Attorney Mondello: Mr. Covelli, how about we wait until Mr. Vandervalk answers Michael's question and then we can shift over to you.

Attorney Mondello: You were responding to Board Member Sbarra's parking question. We started to say well if there was a commercial space there it would be move intense. However, you are going to have a Realtor testify that the commercial business is crap and that you can't find anybody to rent it out.

Engineer: Just speaking from a functionality standpoint of the parking spaces, so we do have two (2) – two (2) bedroom apartments and one (1) – one (1) bedroom apartment and according to the Wanaque Code that requires 6 spaces so we have the 6 spaces so it would really come down to the business. The business is open from 8am-2:30pm Monday to Friday and I believe, in just very specific circumstances, on the weekends. When the commercial business is in use, while many people do work from home, there are still some people that go to the office, so there will be some portion of these spaces that aren't used during the daytime in which case those would be the ones used by the commercial business. I have spoken to the Applicant as far as what's the current situation with the tenants he has. One apartment is being utilized by two people having two cars. One is utilized by a woman who has one car. Then you have the commercial business and what would be the one bedroom apartment. Obviously, that is a somewhat of an unknown at this point. From what I've been told by the Applicant, there appears to be a Letter of Intent from a potential tenant who actually has no cars and works very close to this unit.

Attorney Mondello: I'm sorry Mr. Vandervalk, the inquiry was simple. Can you put another parking space back there.

Engineer: Yes. Essentially yes you could add a Spot No. 7 here. Now the key with these two spaces obviously to exit the parking lot and turn around and go out to Ringwood Avenue, they would have to be utilized by one apartment.

Attorney: We did try to add some extra spaces. But the fact of the matter is that in order to lot essentially stand alone, where there is no repeated encroachment onto the other property, this was the only way that we could work the spots. So, yes, we did consider multiple other spots along the edge here. However, when we went and we looked at the lot line and we looked at the turning radius and we considered the next door neighbor, and the fact that you are correct sir that this is all one paved one spot but they are two distinct properties that these were the number of spots that we could fit on this property so that there was no repeated encroachment on the lot next door and we still met the requirements of ADA and what we think is essentially the best layout.

Attorney Mondello: Why does parking Spot No. 7 increase the encroachment on the adjoining property.

Engineer: If they are stacked, they wouldn't. That is what I'm saying. If they are stacked, it would just have to be utilized by apartment so that they work it out.

Attorney: It would be a tandem spot.

Attorney Mondello: Understood.

Member Covelli: Or the employees of the store.

Engineer: Or the employees, yes.

Chairman: The oil tank that's on the side of the building, what's the regulations on parking, how close, etc.

Engineer: To be honest, I don't know of any setback. There could be some kind of barrier put up.

Chairman: I don't know if there are any regulations. I'm just saying that could become a parking hazard.

Member Sbarra: Whether it be bollards.

Engineer: That could definitely be done.

Attorney: Based on adding additional spots, the only option would be a tandem spot here, which we would be open to.

Attorney Mondello: That works, right Mike?

Member Sbarra: Yes. Like I said, 7 spots are better than 6 and 8 are better than 7.

Member Covelli: I believe Mr. Sbarra's question and answer is a good addition to the plan to add another spot there. I think the property dwellers could work out how to make that work whether it's the business that utilizes it or one of the apartments is assigned them. We are picking up another spot.

Chairman: Another question with the oil tank, how would they get an oil delivery if the parking is there?

Engineer: I believe, but I don't know what the hose distances is off the top of my head, but they still would be able to run the hose to the oil tank.

Attorney: There could be a phone call and e-mail saying we are getting an oil delivery.

Chairman: What is the air conditioning and heating in that building?

Engineer: I don't know but perhaps the Applicant can answer that.

Attorney: We have the property owner here this evening, so if you want, I can bring him up at some point.

Chairman: Is there a basement under that building?

Attorney: If the Board is comfortable with me bringing him up now, I can certainly bring him up.

Attorney Mondello sworn in the Owner of the property, Raymond DeFelice, 11 Erie Court, Suffern, New York, 10901.

Attorney: What are the units HVAC systems?

Owner: It is oil.

Chairman: Where are the heaters?

Owner: So it is baseboard, it's pushed by that oil, that oil boiler pushes the heat on the baseboard and there are window a/c units.

Chairman: Where is the oil furnace?

Owner: It is in Jenny's, the upholstery store.

Member Covelli: So there is one boiler for the entire building. How old is that boiler?

Owner: It got a good bill of health when I brought the building a year ago, but I'm not so sure. I was told it was good. I get it serviced every year.

Member Covelli: I was just wondering if you would convert to gas?

Owner: I was actually thinking electric. What I'm trying to do, when I buy a property, maybe you guys have or haven't, you try to get your head around it and sometimes that takes time. You see the expenses, you see the potential, you see what they need, what they don't need, what's been in excess and that's what I am doing now and I'm trying to learn that. This property is unique to me. I own a couple of others in Haskell and Wanaque as well that we cleaned up; 1264 Ringwood

Avenue right across the street from the meat store and 522 Ringwood Avenue right next store to Jenny's, I own that house. I've been a Chiropractor in Pompton Lakes for 27 years. I've done a lot here for a long time and treated a lot of the community.

Chairman: What are you going to do with the outside of this building?

Owner: I already did it. It was ugly when I got it.

Chairman: What about the glass window in the new apartment?

Owner: I like that window.

Attorney: It lets in a lot of natural light.

Owner: It does. They'll put up curtains or they'll do what they have to do.

Chairman: I'm just asking because sometimes they want to change the outlook of the building.

Owner: When I got there the color scheme was horrible. It wasn't taken care of. We cleaned it up. It's a good looking building now. You were there this morning.

Member Sbarra: I was, yes.

Owner: It looks a little better doesn't it?

Member Sbarra: It does.

Owner: We have some colors popping now, better curb appeal and it looks better for the community. When I saw that building, because I've owned 522 for the last seven years, it always had this charm and I always pictured it as a four square. Just a little residential thing, nothing too big, just something that people could just live there inexpensively. That's how I saw it. When I bought it as two commercial spaces, my dream was always just to convert it into a residential because it can't handle commercial. What happens if I bring an insurance guy in. You have the insurance guy, you have the secretary, and then you have me coming in looking for my policy. That's three cars without even thinking about it. I figured a one bedroom, and I was going to go for a two bedroom apartment. I was actually going to go for the whole floor, but I didn't want to kick Jenny out. She has been there for 40 years. When she is ready to go, she'll go, and then I'll be back in front of you again maybe for that space. But that's what I saw. I saw a one bedroom there. If you go into that space, it's exactly screaming one bedroom.

Chairman: The inside is 3/4 finished already.

Owner: I don't know why. I don't know what they were doing but it is.

Attorney: I represented Mr. DeFelice when he purchased the property and we've been talking about converting this for over a year, and when he purchased, the person that owned the building used our proposed unit one as an office.

Owner: It just seems so simple. I updated the electric.

Chairman: How many meters run into there?

Owner: It looks like Jenny did some kind of upgrade. We have a 200 service coming in. So there is one meter on the outside and then there are other meters on the inside, but I changed them. I changed them from the old Federal ones that were dangerous and a fire hazard and we upgraded that electric.

Chairman: Each unit has its own electric meter, even though there is only one on the outside of the building.

Owner: Yes, correct.

Chairman: The biggest issue here is the parking.

Owner: Absolutely.

Chairman: You have a building that's 80 years old properly and that's a problem along Ringwood Avenue since most of those buildings are creeping on 100 years. If we could work to

make the parking here a little bit better, that would be a big plus. Because right now, even putting in pot No. 7, it's difficult. You have a good Engineer here and he seems to know what he is talking about so let him play with this and maybe there is a way to do it. Let's put it this way, we always ask this question, if it's addressed, we would like to see at least 10x20 parking spot. There a lot of people have the Ford 150s and GMs.

Owner: You may have seen that this morning. I actually went there today, but he leaves. Not to cut you off but I knew the parking was going to be an issue. But I feel like the kind of specialized business that Jenny with one car and a couch getting dropped off once a week, once every two weeks. She is there from 8:30am to 2:00pm so she is gone and weekends gone so it's clear. I was just there before I came here and there were three open spots, not including what we have here, and potentially two more here. I understand that parking is a problem. That said though, if I were to bring commercial in, I don't know any other way to use that building.

Attorney: If we did bring commercial in, we would actually be way under parking.

Chairman: Commercial space does not rent too often.

Member Covelli: I think you need to understand, read and the Board, I don't any of us are overly concerned that you want to the Use Variance. What we're trying to do, and I don't want to speak for everyone else, we want to get the best application out of here because nobody wants to be here. If were going to be honest around the table, nobody wants to be here except for your professionals because they get paid. Nobody else wants to be here so we have to get what is best for you and the town.

Member Ludwig: All the buildings on Ringwood Avenue for the 50 years I've been here, back then you could park a car on the side and now with the traffic becoming that much more busy you can't. We also have the buses.

Owner: Would you entertain the LOI of having a tenant with no cars?

Attorney: We also have a Planner here who can testify.

Chairman: Here's the problem. When we grant a variance it runs with the life of the property.

Attorney: I believe it goes with the Applicant.

Attorney Mondello: No, it runs with the land.

Chairman: So you could have three tenants in a row, you retire, you sell the building and all of the sudden somebody comes in and has three cars. Where are they parking?

Attorney Mondello: You'd have to put a restriction in your Deed to say that one of the tenants can't have any cars and, frankly, that's unconstitutional.

Owner: I'm going to let the Planner do his thing. But the last thing that I want from my businesses is having a parking problem. That's the last thing that I want because I'm going to get phone calls. I'm going to get phone calls from the neighbors and phone calls from the tenants. My goal is not to just come in here and push parking and crush it.

Chairman: That's why we are trying to make this work because we don't need a headache for the Town, for you or the Police Department.

Member Sbarra: In saying all that too, being that this runs with the life of the property, when Jenny decides to retire, and you are looking for your next commercial tenant or come back here to convert or whatever you're going to do.

Owner: That's what I would do.

Member Sbarra: I understand that, but I mean we have to grant our approval based off the Application that is in front of us now and we are trying to get the best situation out of the property.

Owner: And I appreciate that.

Chairman: The other issue is that a two bedroom apartment could have three cars because a lot of kids aren't leaving home anymore and staying with their parents, which is a problem.

Attorney: I understand that and I think the Planner will testify as to the parking issue. I also think there is some discretion of the landowner and like you said the variance runs with the land. If Mr. DeFelice has a tenant who comes to him and says I have three cars, he is also within his purview to say this isn't going to work out as a rental.

Chairman: That's his problem and he really has to work with that.

Owner: And that would be the mandate in the Lease because I couldn't have that.

Chairman: That's what I'm saying. You have to work with what you have.

Member Covelli: Again, I think you have to remember at the end of the day that all sounds wonderful and I have no reason to doubt Mr. DeFelice but, at the end of the day he could sell tomorrow and the variance is there.

Member Covelli: Just as a point of administrative correction, Jenny is on the right side of the building?

Owner: Right, lower.

Member Covelli: What you see in the picture is the left side, or the north side, is the vacancy that would become the apartment.

Owner: Correct.

Member Bonner: In the upper left-hand corner, you have an "x" and a circle that says "c/o", could you tell me what that is?

Engineer: That's a cleanout. Honestly, I'm not sure what it is for.

Member Bonner: As I'm looking at this, and everyone is talking about the parking, if you were to come in and stack them, I think you'd have enough room to put three more parking spaces against the wall, but I don't know how it impacts that cleanout.

Engineer: That was thought of, parking facing the building on that north side of the building, you would obviously have to access it through the neighbor's property. I believe there have been some initial talks but that didn't go very far.

Owner: Again, I don't know if we have to. Again, it is phone calls to say there coming to cleanout and move your car. They are delivering oil, "John" get your car out. Sometimes that's what it takes as a landlord.

Chairman: Right, that becomes your problem.

Owner: Exactly.

Member Bonner: You can handle this with striping.

Owner: With bollards or whatever takes to get us a couple more spots.

Chairman: Mr. Engineer, one question, when you made this revised Plan, why did you leave the 5 parking spaces in front of the building on the Plan? On the note it says they're going to be removed, but it takes away from what it looks like here.

Engineer: I understand. Basically, we're illustrating the size of the parking spaces. That's typical in our office.

Member Covelli: By the way, I think you did a great job of changing the direction of the parking spaces. I think tends to make the whole property look better with them all on one side and it opens the building up as opposed to just everything is the o.k. corral in front of the building.

Attorney: We spent a lot of time going through this.

Engineer: We went through many renditions with this parking. To be honest, I know you were questioning if 7 was even enough, beyond stacking them, potentially I would have to calculate if I could fit 2 more in there, but that's really the only other available spot. Any other rendition in the front, creates other issues.

Member Covelli: I think the idea, as Mike said, if you add Spot No. 7, but still maintain that Spot No. 6 was the handicap, to either widen the existing 5 and/or add some greenery between that sidewalk and your property and parking because right now you have asphalt on top of asphalt on top of building. There is not a stitch of green on the entire property and if you worked something around the sign to make some kind of greenery, some kind of beautification. So everyone that has come before us, just so Mr. DeFelice knows, you want something and we want something too. We want the downtown area to look nice. We want you to make money because, when you make money you'll keep your building up. When you're not making money, you are unhappy and you won't keep your building up and may not pay the taxes and that causes a whole other problem. So we want you to make money, we want you to pay your taxes, we want you to be happy and we want you to take pride in the building because that is a reflection of this Town.

Owner: That's what I've done with the three properties that I own in Haskell and Wanaque. I've increased the curb appeal.

Chairman: I have a question for our Engineer. Chris, the distance between the property line and Spot No. 1, shouldn't that be 5' by Code.

Engineer Nash: I think it actually might be 10'.

Chairman: I know we had this not long ago about that because technically then you need a variance for that.

Member Covelli: Mr. DeFelice, that space between the sign and the sidewalk is literally dead space, right? That could be a whole greenery.

Owner: Yes. You could cut into that, you could do boxwood, you could do whatever to kind of soften it, sure.

Chairman: The other real question is that, if your neighbor with the apartments and you get into an argument and they want to put a fence up, that messes this whole thing up immensely.

Attorney: Actually, that's why we did it this way and that's exactly why. So even though it's not as many spots as everybody wants, that is the exact reason for this layout as opposed to any other because you are absolutely correct. The neighbor could put up a fence and then that little bit of extra macadam, that is used to turn, is no longer there. As the property owner, we had to consider all possibilities of not only this lot, but of the adjacent lot as well. So that is exactly why we did it this way.

Chairman: I'm glad you thought of that because that's an issue.

Owner: My neighbor needs that wiggle room as much as may need.

Attorney: Yes, I don't think it is going to happen, but you never know.

Chairman: But 20 years from now, two different landlords could get into a battle. Like we said, this runs for the life of the property, not between the owners or the tenants or anybody else.

Attorney: Which is why we did it this way and when I tell you we went through so many different iterations of how these spots could work.

Engineer: This pretty much requires no concession from the neighbor at all.

Chairman: It's a difficult piece of property because it's square. Welcome to Wanaque, we have a lot of crazy lots in Wanaque. And the building is 90 years old, or whatever it is.

Attorney: Ideally we would like the property and it uses to stand-alone. Meaning we don't have to rely on any adjacent properties for anything and that was specifically regarding why it looks like this.

Engineer: The Board mentioned putting the space in the back, it would actually go behind Spot No. 6.

Attorney: And that would be your tandem spot.

Engineer: And that's why it would be used by one tenant because, once again, we are not going to rely on this neighbor for anything.

Chairman: It is what it is and you have to make it work somehow.

Attorney: Correct.

Member Sbarra: On your proposed tandem spot, can you stripe that yet?

Attorney: Of course. The tandem spots do work. I did a very similar application in Pompton Lakes and, in order to get the parking, we did do a tandem spot and landlord has not had any issues. It is perfect, no, but is it a solution to keep the lot in and of itself, within the four corners of the lot fully functional, yes.

Chairman: You have no choice.

Member Covelli: I think Mike said it best. Everybody that has a house has a driveway and they figure out who goes first and who goes last and they work.

Engineer: Just to speak to your ADA placement request. The ADA requirements require to place the ADA spaces close to the ingress/egress as possible and that's also why it is in that area.

Chairman: Is that curb elevated where it hits the sidewalk.

Engineer: The walkway no.

Member Covelli: But the side of the building would still be considered close.

Engineer: I'm open to that, but if you put an ADA spot there, the tandem is going to be a little bit more difficult because you are now kind of locking a space in on the left hand side.

Chairman: And the handicap person is not going to enter the upholstery place. It's going to be the center door and their not going upstairs so they are going into the far left-hand door. It is actually closer putting in there than where it is now.

Engineer: It depends on what they are accessing whether it be the business or the one bedroom apartment.

Member Covelli: I think it will be open more often and I think it's actually good for the tandem so that the front one could be the handicapped.

Attorney: We are certainly open to that.

Member Covelli: Again, I also think it makes it, I just have to tell you something, just don't tell the Chairman I told you this, the Chairman likes not to narrow spots, if you haven't figured it out by what he's already said. So if you took the handicap out of there, you could make the other five wider. You could put a little greenery in the front, you could do something by the sign and you really got a different appearance, and you are going to make the Chairman happy because he likes spots wider rather than narrower.

Engineer: I still have room to do 10' spots. Now, if I move the ADA spot, that's give you a few more feet along this side. 10x20 is doable.

Member Covelli: He likes 10x20.

Chairman: I push 10x20 because if you look at the amount of large trucks that are on the road today. It's amazing and they keep making them bigger. Look at the vans. The handicapped vans, and you have 11x18, some are 20'.

Member Sbarra: You can go 10x20 on your Spot No. 6.

Engineer: I can do all of them. I believe we spoke about the variance before and I'll just have to double check that.

Engineer Nash: This just in so 114-27(b) requires no parking spaces within 10' of the front property line.

Attorney: The Notice did include verbiage.

Attorney Mondello: Not worried about that.

Chairman: That's just another variance that we have to add to the list.

Attorney: I do have the Planner here if we are done with the questions with Mr. Vandervalk.

Attorney Mondello: There has been some testimony this evening, is there any that wishes to cross-examine or have questions for the testimony that we have had thus far from the public? Hearing none, seeing none, next witness please.

Attorney Mondello sworn in Steve Lydon, Burgis Associates, 25 Westwood Avenue, Westwood, NJ.

Attorney Mondello: I have had the pleasure of listening Mr. Lydon a number of times. Any objection to admitting him as a Planner, an Expert in the field of Planning? Hearing none, seeing none, your witness Counselor.

Planner: I have been before this Board on a similar application at 24 Erie Avenue, a couple of blocks south of here in the B-Zone with a very same use which was approved and I know one application has nothing to do with the other but that was about four years or so ago. I have been sitting here taking notes and listening. What strikes me about this discussion, which I think is very positive, is that this side of the room and this side of the room are dealing with the same issue. We have a lot, which has a very old building on it, and it's in a zone which requires 10,000 square feet and we have 5700+, so that, right off the bat, tells you we are going to have a problem. Secondly, we have a lot that's constrained by width as well. You are supposed to have 80' of width and we only have about 53' width and it's a retrofit. This building probably went up before you had the B-Zone in place. In fact, it probably went up before any zoning was in place. We now have an Applicant/Property Owner that wants to retrofit a property and, as a Board, you are trying to retrofit that property to the Zoning Ordinance.

Member Covelli: We just want it to look better and we want him to make money.

Planner: Well, if you do that, I think we can get to a happy place where the retrofit and zoning can concur and you get a better looking site and think the improvements that the Applicant/Property Owner is looking for can also help the Borough. For instance, right now there is no handicap parking space and that's a problem. I know it's a small site, it's still a problem. The Court of Justice gets very worked up when sites don't have a handicap parking space. Just by proposing that improvement, we are improving the site.

You sir talked about adding some landscaping to this site. I think you can also add some along the south property line parallel with the parking spaces. If you look, the parking spaces are 15' long, and then the 29' backup area to the sign and, let's say you avoid the sign which is on a pole, it's a lot further even back. You could pull those parking spaces a little bit to the north, always from the property line, and probably come up with a minimum of a 3' planting area in front of all those parking spaces. You wouldn't need only just the boxwoods. You could probably put something up there that would be a little bit taller and columnar and would actually be visible.

Member Covelli: And the people live there, which is a residential house, and the Old Wanaque Hotel would like that too. They wouldn't look at their window and see a bumper there.

Planner: You would also give them some separation so if there is noise from an engine of a car or diesel engine, it's a little further back. So something like a columnar plant, like an arborvitae, could accomplish the idea of making it look better and reducing some of the impervious.

Member Covelli: Sir, I like what you are saying.

Planner: I'm glad to hear that because I liked what you guys were saying.

Member Covelli: So I like what your saying, but remember you are saying it. He has to agree and the Engineer has to agree about moving the spot. If they agree to that, then I don't know, I hear some good things happening.

Planner: Don't worry, we'll get that done.

Planner: We are in the B-Zone as the Engineer mentioned earlier and we do have an existing small two-story building with off street parking. This building is so far back on the site it is about 2' off the rear property line. We talked about, and Mr. Nash pointed out, we are not supposed to park within 10' of the road. That's a modern zoning critique standard that was never existed when this lot was developed so we are going to need a variance from that. If we left the parking alone, we wouldn't need the variance, but by reorganizing the parking, by providing the handicap parking space and by providing additional stalls, we will need a variance. We think it can be granted under the C-1, Hardship, because the lot is small, only 54 square feet, and also the C-2 benefit because we are getting more parking on the site and less parking on the road or in the neighborhood. So there are multiple ways that can be granted.

We are here for the Use Variance and I know it's not terribly concerted to the Board right now, but one thing we haven't talked about is how long this spot has been vacant. It has been vacant, uninterrupted, for over 10 years. In the world of real estate, that is forever and a day. I think what that does, and you've heard mentioned by every Planner, particular suitability. I think this shows that this commercial space, that exists now, is particularly unsuitable for the way the property is. A big of the part of that, and I'm going off my outline, is the building next to us on the corner of Furnace and Ringwood blocks views of anyone going northbound on Ringwood Avenue. You simply can't see this property; it goes in the rearview mirror. The other problem the apartment to the north of us is also close enough to the road, not terribly close to the road, but we are so far back you really can't see this site too well coming from the north. Visibility is everything for retailers. One of the prime reasons this site has been vacant for so long, in my mind, and I've gone and done extensive research, is the fact there is lack of visibility. Then you look at Jenny's next door, she has been there forever but that is a very specialized niche type of use, which is good for the Borough, it is a low parking generator, but it is not a typical retailer. So this site is particularly unsuitable, in my estimation, for a first floor commercial space. I think you know that in your hearts and that's why it has been vacant for so long.

This property is in the Business Zone and I'm an Environmental Planner, so I have to mention we are also in the Existing Community Zone of the Highlands Planning Area. I think that is significant for three reasons. The Existing Community area is an area of concentrated development with limited environmental constraints, the existing infrastructure can support additional development or redevelopment, and according to the Highlands Council, this zone is suited for higher intensity of development with others zones of the Highlands Council. In fact, this application seems to reduce the intensity of the development on this site and your own Zoning Ordinance proves that it's a reduction in intensity because of the parking standard. Now, if I was going to use the Borough's commercial parking standard you would have to provide about four spaces for this 700 square foot space. According to your Zoning Ordinance, you have to two and according to the Residential Site Improvement Standards you don't have to give any more than 1.8. As you can see, as you go from commercial to residential, the parking requirements are being reduced. I think this site is particularly well suited for the proposed use.

It can't go without being said that there is no proposed building here. We are just trying to retrofit a very old that is on the site. Not only is there no additional paving, but through discussions, we are talking about eliminating some of the existing pavement and that is a good thing. It is good thing for Mr. Nash and less stormwater runoff, which is right now uncontrolled, and it also gives the opportunity for the Applicant to put in some vegetation and make the parking look better. We are increasing the number of parking spaces and we are also a barrier free parking space.

I know you know what the B-Zone allows. It allows retail stores but that is not going to work here. It allows theaters and bowling alleys, not here. It allows convention halls, forget. Houses of Worship, I don't think so unless it is a store front church. It allows apartment stores and also allows apartments on the first floor as long as it is not on Ringwood Avenue or Union Avenue. Clearly we are, but as you deal with the particular suitability of this site, and if this application can prove no impairment to the zoning plan may be created, I think it is worth while to remember that, in some parts of the zone, a first floor apartment is acceptable.

The variances we are looking for are a D-1, not so much for having an apartment, but for having an apartment on the first floor. We are looking for a slight reduction in the amount of parking that is required and, even though we are adding some parking, we still somewhat short of that. After all these discussions, I'm not sure how big the parking spaces are but we probably need a variance from the 20x10 parking space. I think that is a de minimis variance even though I heard the Chairman say he likes wide spaces, but by having more spaces, there is a C-2 aspect to the variance because there are more places to part on site, and we know it is a little bit of a tight spot. The other variance we need is for size of the apartment. We are seeking 700 square foot apartment, where 750 is required. You really don't want a 750 square foot apartment because those usually become two bedrooms and two bedrooms have a great parking need. I think you would prefer a smaller apartment that is going to be one bedroom and therefore probably less parking associated with it. I think that is actually a benefit in this case.

Regarding the Municipal Land Use Law, we to show special reasons which means that we need to demonstrate that the site is particularly well suited for the use and carries out multiple purposes of the Municipal Land Use Law. I think we can do both of those tasks. For the purposes of the Municipal Land Use Law, as follows:

Encourage municipal action to guide appropriate use of development in the manner in which promotes the general welfare. The current nature of the use that is a vacant store front well

over 10 years does not promote general welfare. We believe having that space occupied by a one bedroom apartment does. We provided adequate light, air and open space. No changes from the long term conditions, except we are improving them. We are taking out some of the pavement, we are adding some vegetation.

Promote appropriate population densities that contribute to the well-being of people. The addition of a one bedroom 700 square foot apartment will not overtax the neighbor or dramatically increase population density. I did a little look into the Wanaque population for the last 5 years starting with 2023 going back to 2019. In 2019 Wanaque had 11,763 residents and it has gone down each and every year since then. In 2023 the population was lower at 11,038 residents with a reduction of the population by 725 people. You are probably going to get one possibly two people in this apartment at the most I would suspect. Wanaque can easily absorb the population density created by this additional apartment.

Provide sufficient space and appropriate locations for this type of use. What triggers me for the use is not the zone, the fact that the existing commercial space has sat vacant and fallow for over 10 years shows that it's an inappropriate space for that location.

We are also going to be improving the viable visual environment which is another purpose of the Municipal Land Use Law.

So there are five or six and if you want to long enough, I could find two more I am sure that the purposes of the Municipal Land Use Law of this application will further.

The site is particularly well suited for the purposed residential use. Retail stores live and die based on visibility to a large degree. Pricing helps as well. You can't see the site. No matter what we were giving away, if you couldn't find the store, you're not going there. So I don't think this site is particularly well suited for the commercial use.

Your most Re-examination Report is from 2010 and the most recent Master Plan Amendment is from 1992 and your Master Plan was adopted in 1985, which was 39 years ago. We further at least one Master Plan Objective which is to encourage residential densities that will allow housing for a variety of income ranges. Looking at the apartment size range, it would suggest that maybe it is going to be a slightly less costly apartment, therefore allowing housing for a variety of incomes. I think we meet this Master Plan Purpose.

Your Master Plan Re-examination predicts new development will be very limited and future development will take the form of redevelopment. The Master Plan has done a very good job of predicting the kind of redevelopment that you see along Ringwood Avenue to the south. And this is not a future development, it's a redevelopment. No increase in building size or impervious coverage and, in fact, we are reducing it. This is a type of compatible, adaptive reuse the Highlands Council and State Plan encourage. We are in Planning Area 1 for the State Plan, which is where they encourage future development and redevelopment.

To turn to the Negative Criteria, there is not substantial detriment to the public good. Having a vacant store front for 10 years is a substantial detriment to the public good. Instead of adding to storm water runoff, we are going to minimally reduce it. There is no additional traffic from the use. There is less peak hour traffic. The parking on site, as we all know and discussed, is limited. Proposed conversion from retail to one bedroom apartment reduces the site's parking demand. Plus the Applicant will add some parking spaces reducing the delta from what is required by your

Ordinance towards what is being proposed. There is no substantial impairment to the Master Plan. I haven't even used the exhibit I brought and I'm not going to use it because I feel it is not warranted, but there are numerous places left of us, right of us, north and south of us with first floor residential uses along Ringwood Avenue. I also would be remissive if I didn't mention right across the street from us. So I don't think we are going to be producing a foreign use into the immediate area. In fact, it is going to be accepted by the neighborhood because the apartment building across the street is relatively new and the apartment building to the north of us has been there awhile. I think the fact that it is a developed lot creates most of the problems for this site. With that, Mr. Chairman, I can take questions.

Chairman: Any questions of the Planner?

Member Covelli: He did a very good job of summarizing the situation and I think he made a compelling case as far as I'm concerned as to the benefit inherent to what the Applicant was proposing.

Chairman: I have two questions for the Engineer that I missed earlier. What are we doing for trash and recycling? Right now I see cans on the left side of the building. Are you going to leave them there? There would be a total of 8 required.

Engineer: Not the pick-up actually, but where they are being stored? Yes, they would still be on the side of the building, maybe towards the rear where it is wider.

Chairman: It'll be past Spot No. 7. Behind the oil tank. When you give us an actual final plan for the Building Department, you are going to have to do something because we made some changes to the plan.

Attorney: We can put a little fence around it or something.

Chairman: Something to hide the trash cans.

Member Covelli: I think the Planner did a good job and, if you were paying attention to the Planner, which I was, one of the things he mentioned was directed at the Engineer. The stormwater on the property is uncontrolled. He made that point. The question would be would the Applicant be willing to put a seepage pit in the parking lot to retain some of that water?

Attorney Mondello: Again, this is a D-1 Use Variance which is extremely hard to get and that's not an unreasonable condition.

Member Covelli: I bring it up because I just want to advise the Applicant because we have one bit of the apple to get this right, as someone who put two in his house.

Chairman: I'm sure Chris has a comment on that.

Engineer Nash: Mr. Covelli, so one of the limitations though is they are proposing to keep the existing parking lot so it is graded to one spot, otherwise if it's sheet flow across the parking lot it is not going to catch it.

Member Covelli: What is the condition of the parking lot?

Engineer Nash: You would have to then ask them to repave and regrade the parking lot.

Planner: We could tie-in the roof leaders, which is clean water, and put that into the ground.

Engineer: That's what I'm trying to determine right now if that's already the case or not. Honestly I'm not sure but, if not, that would be the easiest thing.

Engineer Nash: Yes.

Member Sbarra: Repeat that for me. I didn't catch that.

Engineer: The question is basically is, even though we are slightly reducing the impervious coverage by adding some landscaping, Board Member has asked, if we could, as an essentially added benefit, as seepage pits, relieve even more some sort of water runoff. The question is, what are we collecting? Are we collecting the parking lot or the building? It is easier to collect the building because we know we can get gravity from roof leaders into the seepage pit. Whereas, if we put it into the parking lot, we don't have elevation in the parking to determine and we are trying not to repave the whole parking lot. Collecting the roof leaders would be easier.

Owner: Aren't we decreasing the impervious surface by putting in the landscaping. In and of itself organically, we are making changes to the water removal.

Attorney Mondello: As Frank said, a little bit.

Member Covelli: You are pretty much 100% right now impervious.

Owner: Yes, we are.

Member Covelli: And you are going to drop to 95% give or take a few percentages.

Chairman: Did you contact Passaic County because you are on Ringwood Avenue?

Attorney : I have a letter from Passaic County indicating that they did not want to review the application.

Attorney Mondello: It is too small.

Attorney: I actually brought a copy of it.

Chairman: Because a lot of times they don't want the water coming onto Ringwood Avenue.

Member Covelli: I, speaking as one Member of this Board, would be perfectly fine with you catching the roof and putting it into the seepage because of how close the building is to the neighbors. So you are going to definitely improve in an aggregate form because of how much is already impervious. But you are absolutely going to improve the situation for your neighbors and your own property.

Owner: Is that one of those pits? I don't even know what that it is.

Member Covelli: Concrete Tank

Planner: 6' Deep and 6' Round with holes inside and goes into a stone base.

Engineer: We would size it appropriately, so whether that is a 6' deep or 3'.

Owner: So the tank fills up with water and then drains it into the ground slowly.

Chairman: Yes. It actually flows out steadily.

Member Ludwig: Like a reservoir that seeps out.

Owner: Okay, thank you. I'm trying to see what I'm getting myself into.

Member Covelli: Mr. Engineer, is that something you could recommend to your client?

Engineer: Absolutely.

Chairman: For Spot No. 6 and No. 7, should we light up that side of the building?

Engineer: From when I was out there, I didn't see any lights on that side, just the front. We could add similar lighting like the front on that side of the building.

Owner: I had added sconces on the front to light it up. Do you see sconces on the side too?

Member Covelli: Do you like that?

Owner: It's a good look.

Member Covelli: It's your building.

Chairman: You want to make your tenants happy. They don't want to park in the dark over there.

Attorney: Does anybody have any more questions for the Planner?

Attorney Mondello: Any members of the public which to question Mr. Lydon on his testimony thus far? Hearing none, seeing none.

Attorney Mondello: Any other questions for witnesses thus far? Hearing none, seeing none, any other witnesses?

Attorney: No

Attorney Mondello: Do you want to sum up?

Attorney: First of all, I would like to thank all of you for hearing this application and for entertaining our professionals. I hope that we have made our argument as to the two variances that we would require; one being the Use Variance and the other being the Bulk Variance. I believe that the Planner made the appropriate arguments under the New Jersey Municipal Land Use Law as to why the variances should be granted, and I believe the testimony stands for itself. So we are respectfully requesting that the Board grant these two variances.

Attorney Mondello: In my recollection, they are adding Mike's Spot No. 7 parking space, seepage pit to catch the water from the building, adding some low level lighting to where parking Spots No. 6 and No. 7 are and, of course, a new Site Plan reflecting the discussions we've had this evening. Anything I missed?

Member Covelli: Specifically to that point, the greenery that will be on the south side of the property behind the parking spaces which would move the parking spaces slightly and the greenery, whatever Mr. DeFelice feels is appropriate, around the sign.

Attorney: We would be more than willing to add those to the Resolution, of course.

Chairman: Also show the handicap now is Spot No. 6.

Member Sbarra: Do we settle on a parking space size?

Attorney Mondello: What are we doing with the parking space size?

Engineer: I believe our Planner testified to that that the 9x18 would be minimis. If we went with the 10x20, there essentially would be no setback to the parking spaces in the front of the property line.

Member Covelli: Jack, you need to make a decision. Are you willing to leave them at 9x18 to have greenery in the front or is 10x20 so important to you that the spots will literally be right next to the sidewalk. I'm not leading you Jack. I'm just laying out what it is we are talking about. I'm just asking you a question Mr. Chairman.

Chairman: Chris and I were doing the same thing to Ron. The space between Spot No. 1 and the sidewalk where the property line is, they need a variance for that.

Engineer: I have it measured by hand at 3.9', so if we could do 3.5' just because I am doing it by hand.

Chairman: We'll need a variance for that also.

Engineer: We can add that.

Attorney: We can add that to the Resolution.

Member Sbarra: Just from my understanding here, we are talking about putting greenery, if I remember the Planner was saying, possibly 3' off the property line in front of each one of those,

which is currently Spots. No. 1 thru 5, are we talking about any greenery in between Spot No. 1 and that sidewalk?

Member Covelli: That's exactly where we are talking about.

Member Sbarra: So almost an L shaped worth of greenery.

Engineer: Currently, the way it is shown right now, with the handicap space on that row, it is 3.9'. If we move the handicap space to Spot No. 6, that will give you an additional 2', so it's 5.9'. Essentially, we would be asking for a 5.9' instead of 10'. If I measure by hand, we could 5.5' or something like that.

Chairman: We're going to have greenery in that space.

Attorney Mondello: What about the wheel stoppers that you spoke about?

Chairman: If he moves it back 3', he can put wheel stoppers but we're going to have some evergreens in there that'll stop the car from hitting the fence.

Member Sbarra: Are we moving that handicap space to Spot No. 6?

Engineer: We are.

Member Sbarra: How does that effect that Spot No. 7?

Engineer: That's what we are saying that actually might be helpful if the ADA spot is not used very often you have access to Spot No. 7.

Member Covelli: Mr. Chairman, I'm sensing that your answer is you can live with 9x18 if we get that greenery.

Chairman: I think to make it work we have stay at 9x18 except for the handicap spot.

Member Covelli: No, we could cut down on the greenery.

Member Sbarra: You could go 10x20 on Spot No. 7 since Spot No. 6 is the handicap spot.

Chairman: May you can make both wider because you have space there.

Member Sbarra: That's what I'm saying. You don't need a 9x18 on Spot No. 7. We would want that wider spot on Spot No. 7.

Chairman: If we have a handicap situation where they take it out once a week, and the tenant has a car he uses every day, make it wider so it's legally parked.

Attorney: So we are going to do one spot that is conformance and that is proposed Spot No. 7?

Chairman: Spots No. 6 and No. 7 and Spot No. 6 is handicap accessible and all it is are stripes on the ground.

Attorney Mondello: So Spots No. 6 and No. 7 are 10x20.

Chairman: No.

Member Covelli: Spot No. 6 meets the requirements of ADA and you have to follow whatever it is.

Attorney Mondello: To your point, you want Spot No. 7 to be 10x20.

Member Sbarra: At least 10x20.

Chairman: It has to be van accessible. He had it right here at 11' wide.

Engineer: So let's go back to the handicap spot. Is that going to be the one in front or the one in back?

Member Covelli: The one in the front, Spot No. 6.

Chairman: If you are saying it might not be used a lot, to make it safe, it's just painting the ground.

Engineer: So in this case, Spot No. 7 is 10x20 and the one in front 11x18. I could do 11x20.

Chairman: With the handicap spot, make it 20' because some of these new vans that are handicap accessible vans have ramps that drop out for wheelchair are big.

Attorney Mondello: Just to clarify the record Mr. Chairman, what are the dimensions of Spot No. 7?

Engineer: 10x20.

Attorney Mondello: Spot No. 6 is ADA compatible.

Engineer: Spot No. 6 will be 11x20.

Member Covelli: Mr. DeFelice you look very worried. Are you okay?

Owner: No, I'm not worried. I'm just trying to visualize all of this. Some things were added today that I didn't know were being added and that's fine. I'm going to bring it back. If I get approval, I'm going to look at it hard. This is something I want to do and I already told you that from the get go. I don't see it being too much of a cost.

Chairman: You have a difficult piece of property.

Owner: I know that. I saw that from the first day.

Chairman: We are trying to make it work as best we can. Nothing with the building. Parking is the issue in the Town of Wanaque, not just your property, but all over.

Member Covelli: You are going to do more than what we asked of you. I can tell by the way you are looking at this.

Chairman: You own the property. You just brought it and you want to it work and you want to rent it out.

Member Covelli: By the way, you've driven by my house. I'm the crazy jerk that's doing that 150 year old house next to the mechanics with the driveway in front. So you see what happens when you get into a project and you say we'll do it right and this is what we got to do.

Member Ludwig: If you are going to do it, do it right.

Owner: The greenery are we talking about sidewalk and then towards my other house, towards 522, the fence. I need to see it.

Engineer: We are pushing these out 3', the parking spaces. You're going to have landscaping between your fence and the parking. You'll have landscaping in the front.

Owner: It'll look nice actually. I don't see putting any big trees there.

Member Covelli: Where's your other property?

Owner: That's 522 Ringwood, right next door to this one.

Member Covelli: The Wanaque Hotel?

Owner: Right on the corner with the white picket fence on the corner of Furnace Avenue.

Member Covelli: That's the old Wanaque Hotel. That's what I was told. I was told that by (I don't want to reveal who it is) someone of authority in this municipality that told me that. I don't know.

Owner: So you are going to want heavier greenery on Ringwood to give it a buffer and then lighter along my other property line?

Attorney: No, I think the opposite.

Engineer: They also want a buffer between the parking and your house.

Owner: I don't want to waste your time. They'll tell me what I need to do.

Chairman: Simple, low shrubbery, slow growing.

Owner: I've already made it nicer. It's just going to become even nicer, I promise you that.

Attorney: The perimeters of this will be in the Resolution, right?

Attorney Mondello: To the best of my ability.

Chairman: When you see the Resolution, he'll put a lot into it.

Attorney: Yes, just so that my client has something to work off of.

Engineer Nash: So the proceed would be, should the Board approve it, I'm not suggesting they are, but should they approve it, the tracking mechanism because then it goes to the Building Department, and the Building Department doesn't talk to this Board, so in order to make sure that the items in the Resolution actually get presented to the Building Department, there will be a Plan that you prepare and send to me and I'll review it against the Resolution and that's the Plan that will go to the Building Department.

Chairman: As-Built Plan is the most important document you are going to do.

Engineer: Yes, I will work with Mr. Nash on that.

Owner: I don't see any issues now that you kind of spelled out what I have to do. I don't see any issues with what's going to happen.

Attorney Mondello: And you can send me an e-mail a couple days prior to the next meeting and if I've got it done by then, I will send it to you.

Attorney: And I'll take a look at it. Thank You.

Member Covelli: Don't we need the public to make any comment?

Chairman: We did that didn't we?

Member Covelli: No, we asked of the Planner.

Attorney Mondello: We asked if there were any questions about any of the testimony thus far and nobody appeared. Any comments from members of the public either for or against this application? Hearing none, seeing none.

Chairman: We need a Motion on this application.

Member Covelli: I would make a Motion that we Approve Application ZBA2024-03, 518 Wanaque LLC, as presented with the modifications and stipulations set forth previously with regard to the parking, lighting, greenery and the seepage pit.

Attorney Mondello: And the additional variance of 3.5' for the parking.

Engineer: That would be 5.5'.

Chairman: That changed once we pushed the spots back.

Member Covelli: Remember, the Chairman conceded to the 9x18, and that would also include that the garbage cans will be in the rear of the property.

Engineer: Yes.

Member Covelli: There's the Motion.

Member Ludwig: I'll Second it.

MOTION TO APPROVE APPLICATION NO. ZBA2024-03: made by Member Covelli, seconded by Member Ludwig. Voting yes were Chairman Dunning, Members Covelli, Lynch, Ludwig, Sbarra, Farinella and Bonner
Motion Approved

Board Recessed 8:41

Board Reconvened 8:53

Let the Record Show That All Board Members Are In Attendance

PUBLIC DISCUSSION: No one from the public came forward.

RESOLUTION: ZBA2024-02 – Labouseur, Bruce & Kim

Attorney Mondello: They came before the Board to convert the rear yard covered deck into a three season room. There were no additional conditions. I did circulate this proposed Resolution. If there aren't any questions, I'll entertain a Motion to Memorialize, followed by a second. **MOTION TO MEMORIALIZE RESOLUTION:** made by Member Ludwig, seconded by Member Sbarra. Voting yes were Chairman Dunning, Members Covelli, Lynch, Ludwig, Sbarra, and Farinella

RESOLUTION: ZBA2024-01 – Ringwood Realty, Inc.

Attorney Mondello: This Application is very similar to the one we heard this evening where they want to convert the first floor commercial space to two residential units and we know that you are not allowed to do that on the first floor. A number of conditions were placed in this Resolution. A shed roof over the rear door, motion lighting in the rear parking lot, there will be no window air conditioning units in the building, no air conditioning units or equipment located on the ground. The Applicant shall put the parking stall dimensions on the Site Plan and there will be no storage in the basement. I did circulate this proposed Resolution. If there aren't any questions, I'll entertain a Motion to Memorialize, followed by a second.

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

VOUCHERS: submitted by Ronald Mondello, Esq. for the Ringwood Realty Application in the amount of \$875; for the Bruce Labouseur Application in the amount of \$525; and attendance at the August 7, 2024 Meeting in the amount of \$500.

MOTION TO APPROVE: made by Member Covelli, seconded by Member Lynch.

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

VOUCHERS: submitted by Boswell Engineering for the 1025 Ringwood Avenue Application in the amount of \$106; and for the Ringwood Realty Application in the amounts of \$689.

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

MOTION TO APPROVE JULY 10, 2024 MINUTES: made by Member Lynch, seconded by Member Sbarra. Voting yes were Chairman Dunning, Members Covelli, Lynch, Ludwig, Sbarra, Farinella and Bonner

CORRESPONDENCE: Board Secretary passed out Engineer Nash's Review Letter on 1025 Ringwood Avenue, LLC

DISCUSSION: None

MOTION TO ADJOURN AT 9:03PM: Voting yes were Chairman Dunning, Members Covelli, Lynch, Ludwig, Aumenta, Sbarra, Farinella and Bonner

Jennifer A. Fiorito, Board Secretary