

**REGULAR MEETING**

**Salute to Flag: 8:03pm**

**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: Chairman Jack Dunning, Vice Chairman Bruce Grygus, Members Suzanne Henderson, Donald Ludwig, Helena Aumenta, Dana Lynch and Michael Sbarra and Attorney Ronald Mondello and Engineer Christopher Nash**

**Member Covelli arrived at 8:10pm.**

**Application ZBA2021-08 – Scenic Landscaping, Jefferson Street (Block 459/Lot 19)  
David L. Rutherford, Esq., 141 Dayton Street, Ridgewood, NJ**

**Attorney Mondello: Yes, Mr. Chairman, if I might, I did receive a letter that was addressed to Jennifer by Mr. David Rutherford, Esq., indicating that yes, the matter is scheduled for this evening, that his client is in the process of preparing the site plan as requested by the Board, and that he asked that the matter be carried to the next meeting, which is Wednesday, January 5, 2022. However, if his client hasn't completed the site plan, he may be re-noticing residents within 200' and he may be re-publishing. That's what his letter indicates. But for now, expect that meeting to take place on January 5<sup>th</sup>. Have a good evening. Thank you, Mr. Chairman.**

**MOTION TO CARRY SCENIC LANDSCAPING'S APPLICATION ZBA2021-08 TO THE JANUARY 5, 2022 MEETING: made by Member Ludwig, seconded by Member Sbarra. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Henderson, Ludwig, Aumenta, Lynch and Sbarra**

**Application ZBA2021-10 – Ramos, Michael, 5 Tremont Terrace (Block 200.07/Lot 13)**

**Attorney Mondello:** Mr. Chairman, I had an opportunity to review the notices sent to the residents within 200' and the notice of publication in the newspaper. I would deem the application complete and that jurisdiction is vested in the Zoning Board.

**Attorney Mondello** swore in Architect, Thomas Mesuk, 197 Valley Boulevard, Wood-Ridge, NJ

**Exhibits:**

- A1** Applicant's Application To The Board
- A2** T-1 Sheet - Colorized Site Plan
- A3**

**Attorney Mondello:** Mr. Mesuk, I don't believe I've had the pleasure of having you appear before this Board, so if you could be so kind as to give the Board the benefit of your qualification.

**Architect:** I'm a Licensed Architect and Planner in the state of New Jersey. I hold 35 architectural licenses throughout the country. I've appeared before many Boards in the State of New Jersey as well as across the country.

**Attorney Mondello:** Have you appeared before any Passaic County?

**Architect:** Yes, I have, Clifton. I'm just trying to think the right ones in Passaic County.

**Attorney Mondello:** Well Clifton works for me. Do any of the Board Members have any objection to admitting Mr. Mesuk as an expert in the field of architecture? Hearing none, seeing none, tell us what your client would like to do and why they want to do it?

**Architect:** What we're looking to do is and, I'll go through quickly the story.

**Attorney Mondello:** So let's identify what this is. This is a colored pictorial of the submission to the Board that you would call a plot plan or a site plan?

**Architect:** Correct. Our first sheet T-1, we do have a plot plan showing the property along with the existing building, and our proposed in the brownish color here. That's a second floor over an existing first floor, and then the blue arrow in the back is going to be a new one story addition on the back.

**Attorney Mondello:** This is a colorized version of what you provided.

**Architect:** That's correct.

**Attorney Mondello:** All right. So we'll mark that as A-2.

**Engineer Nash:** It is what was given.

**Attorney Mondello:** So it's the exact same version that was submitted.

**Architect:** That's correct. It should be the exact same version that the Board has.

**Attorney Mondello:** Okay, so we'll mark Application as A-1 and A-2 is the colored site plan. I'm sorry, continue.

**Architect:** Just to go through the project, on the drawing A-1, our first floor demolition plan, where we're doing some work out in the back of the house to take out the existing kitchen and the existing back wall and deck that's existing.

**Attorney Mondello:** I'm sorry, Mr. Mesuk. Let the record reflect that Board Member Frank Covelli has arrived at approximately 8:10p.m. Perhaps you can just rewind briefly now that Mr. Covelli is here.

**Member Covelli:** I'm sorry for my tardiness.

**Architect:** Okay, so we're just going through kind of the addition that Mr. And Mrs. Ramos are looking to do to their property. We briefly touched upon the T-1 sheet showing the site plan, which I will get back to you because that's where the bulk of the information for the variances that we are here tonight for. But I was just briefly going through the whole description of the project so the Board has an idea of what the whole entire project is about. Looking at drawing A-2, this shows our proposed first floor plan and this shows our addition out the back so we extend the kitchen and dining area approximately 12' out from the existing back wall the house. This is a split level so drawing A-3 shows kind of the split between the second floor and the left hand side is a little bit higher up because of the split. On the left hand side there's a master suite/bedroom, bathroom and a walk-in closet. There are a new set of stairs to access and it's going to modify the existing bathroom. Other than that, all the other bedrooms stay exactly as they are today. Moving along to the elevations real quick so you have a full understanding, on drawing A-5 In the left corner we show the front elevation. The right side of the house is, again, staying exactly as it is. The left side now shows the addition over the existing first floor. Front wall stays exactly as it is. There's no further protrusion out in the front. The side elevation shows the view with the one story addition out in the back. This portion of the house is the new portion here. Then the rear elevation again shows the one story addition here with a little access deck and stairs to grade and then back behind that is the second floor. Going back to the drawing T-1

**Member Covelli:** Before you leave, you're getting rid of the Dutch barn look.

**Architect:** No, the look on the right hand side is staying exactly as it was. That remains exactly the same.

**Member Covelli:** But that's a rear view we are looking at, correct? Where below that I'm looking from the front?

**Architect:** The front elevations in the upper right corner. This is the existing condition here.

**Member Covelli:** I had it backwards.

**Architect:** That's the front and this is the rear. In the rear you'll see like two gables with a cricket in between, but the front elevation primarily stays exactly as it is with the exception of the addition of the second floor and gable on the left hand side.

**Member Covelli:** And this addition is high?

**Architect:** The overall height of the building would be 26.3'. The existing is 21.3. We have basically a 5' increase of the existing height.

**Attorney Mondello:** So there are five variances, but four are pre-existing. The only one that you are exacerbating is the side yard.

**Architect:** Correct.

**Attorney Mondello:** Can you tell us about that?

**Architect:** Back to the zoning chart on T-1, and the one question I do have is it does list lot width required 100' existing is 107' to 118' in the Engineer's report, and it does say a variance is required, so I just wanted to clarify if that is a variance, but it's still an existing condition regardless. We have a corner lot on Crescent Road and Tremont Terrace. The lot area is 11,620 square feet and is an existing condition, where 15,000 square foot is required. The lot with 100' is required, and we had an average of 100.5'. I know in the Engineers report, its 107' to 118'. The lot depth is 150' feet required and we are somewhere between 110' to 120'. Again, because of the irregular shape of the lot it's very difficult to get an exact lot width and depth. Then the other variance we need is a front yard setback variance. The front yard the required is 40', our existing house, the existing front corner is 26.6', so it's an existing non-conforming condition that we're adding the second floor over. The other variance that we need is the side yard where 20' side yard is required and, as you can see, the red outline indicates where the actual buildable area is. Because of the way the house was originally situated on the lot, the angle going back on that side makes that side yard get worse as we go further back with the building. So our back corner is going to be 11.7' off the back corner of the property. Based on this diagram here, you can see it's really a small triangle and I believe it's like 65 square feet of the building is actually over the side yard. Like I mentioned, because of the irregular shape

**Attorney Mondello:** I'm sorry, but one of the Board Members needs to use the bathroom so we could just perhaps wait a couple minutes. Have a seat and relax.

**Architect:** Sure no problem.

**Attorney Mondello:** Okay, we are reconvening the meeting as Board Member Grygus has returned. Why don't you continue, Mr. Mesuk?

**Architect:** Just to quickly recap, reviewing the Engineer's report you're looking for five variances, three of the five are because of pre-existing non-conforming conditions of the lot itself; being the lot width, lot depth and the lot area. The two other variances that we're seeking is the front yard setback and, again, because of the way the house was originally situated, the front corner is only 26.6' off of Tremont Terrace's property line, and we were just looking to extend up on the existing. As I mentioned, because of the way the house is situated on the property again, as the house goes further back, it makes the side yard setback less primarily because of the angle that it's on. So our side yard setback would be 11.7' at the back corner of the house. In total, our side yard I believe is about 65 square feet over the side yard setback. And then the front yard is obviously the existing condition that's there.

**Engineer Nash:** If I can jump in a second. I can't recall us having the Board having a corner lot in my memory as Board Engineer. So the ordinance is silent on how to deal with corner lots. Because some of the ordinances in different towns, they'll address the corner lot by whichever street the building is facing, that's the front yard, and then you work from there. But if it's silent on it, it's my opinion that it has two front yards because when you're driving along Crescent, for instance, you want that setback to be a front yard setback, so it follows the rest of the road. You don't want it to be a side yard and be like 15'.

**Attorney Mondello:** That's the norm. Yeah, I agree.

**Engineer Nash:** And then it sounds inconsistent, but then from that point, then I look at where the house is facing and whatever the house is facing, the opposite is the rear yard.

That's how I applied the bulk requirements to this property. In measuring the front yard, it's kind of difficult because you're scaling on an angle, and there's a curve, so if you walk a little bit. I may not be to the exact number. I think I put plus and minus in because I'm scaling and there's a curve and I don't think it's important what the exact number is. It's not hitting that minimum number.

Attorney Mondello: That's because of the irregular lot.

Engineer Nash: Yeah, it's on a curve. I mean, without, you know, breaking out into AutoCAD and getting the exact number, spending that time is not prudent, because it doesn't matter because it's going to miss it anyway. It's going to be kind of missing. I just wanted to jump in.

Architect: Sure. Thank you.

Attorney Mondello: So the Engineer has indicated that we need some testimony regarding the air conditioning condenser pads.

Architect: Okay. Currently, the air conditioning condenser pads sit on the side of the house that we are looking to add to. So they are in that side yard off of Tremont Terrace on what would be, I guess, like the right side of the property.

Engineer Nash: Where are you going to put them back?

Architect: I guess we would keep the existing there. If we had to, we could put them behind the setbacks behind the building if we had the opportunity to do that so that they would be in the rear yard as opposed to the non-conforming side yard.

Engineer Nash: And that side yard, you know, the purpose of the side yard is to provide a bumper for the neighbor. So if you're asking for a variance, and then putting something like a condenser in that space, the Board would typically prefer it to be hidden.

Architect: We would typically add those in behind what is the existing garage this way they are not making that side yard worse.

Member Sbarra: Is that including the existing one that's on that side? Would you look to relocate that?

Architect: We would probably relocate both of them so that they were both in the same area.

Vice Chairman Grygus: From an architectural standpoint, could you just explain why the proposed first floor addition could not slide to the west and would almost put it sitting work dead center to the house.

Architect: Going back to the A-2 sheet, because it's a split, the left side of the house is what we were concentrating on, that's because it's all one level. So to slide it this way, we would then start encroaching on this and it wouldn't really help our situation with the layout of the kitchen. It would create a very awkward space in the back behind this room because this room, that's a little studio, is not on the same level as the rest of the house where the addition is taking place. And then we aligned our new wall with the existing wall, just to have like a dining area within the expanded space.

Attorney Mondello: Any other questions for the Architect? Well, which are you looking for a C-1, a C-2 or both?

Architect: I believe there are both C variances.

Attorney Mondello: I mean the legal measurement. A C-1 is hardship due to irregular lot.

**Architect:** Correct.

**Attorney Mondello:** C-2 is the positive criteria outweighs the negative criteria. Why does your client want this? Are there two kids coming into the future? Or why do they need this?

**Architect:** They were looking to expand their space. Right now the kitchen is very small. They wanted to enlarge dining area. And again, they were looking for a master suite and perhaps four future children, you know, they would need the bedroom space that is existing on the other side of the floor. As you said, we do have an irregular shape and undersized lot so the C -1 variance would certainly stand.

**Attorney Mondello:** Thank you.

**Member Sbarra:** One other thing I wanted to bring up as well, I know there's an existing shed on the property. That's not necessarily conforming to code, as per the Engineer's report. Do you want to address that at all?

**Architect:** From my understanding, that shed has been there since before my clients had purchased the property. I noticed that doesn't show up in the survey that we utilized, so it had been put in there sometime between the time that the survey was done and when my clients purchased the property a couple years ago.

**Vice Chairman Grygus:** Is it movable at all?

**Architect:** That I'm not sure.

**Attorney Mondello:** Who wants to testify? Is it Mr. Ramos?

**Attorney Mondello:** Swore in the Applicant, Michael Ramos, 5 Tremont Terrace.

**Attorney Mondello:** Okay, you heard the question?

**Mr. Ramos:** Yes. To be honest, I'm not exactly sure if it's movable. It does look like it can be moved. It's just a wooden structure. There really is no in-ground structure base that would hold it in place.

**Vice Chairman Grygus:** Okay, the question would be would you move it to the 5' off each property line? Or would you rather be granted a variance for it for where it's at?

**Member Covelli:** How close is it right now?

**Vice Chairman Grygus:** It's like less than 2'.

**Attorney Mondello:** Do you use it. Not really? Why don't you just get rid of it?

**Mr. Ramos:** I probably will.

**Attorney Mondello:** Can we make that part of the application that you'll remove this non-conforming shed?

**Mr. Ramos:** That will be fine, yes.

**Attorney Mondello:** There you go. Problem solved. Thank you. So are there any other questions for Mr. Ramos?

**Engineer Nash:** Maybe he wants to say, oh, we'll remove it or move it to conforming distances because if he goes out there and says, wait a second, I can move it., now he's already committed to demolishing it.

**Attorney Mondello:** He doesn't use it.

**Member Covelli:** Ron, that's like saying get rid of a closet in your house because you don't have anything in it.

**Member Ludwig:** Maybe when they have kids they'll use it for toys.

**Vice Chairman Grygus:** So we'll put it that you'll either move it 5' off each property line or remove it. You have the option.

**Attorney Mondello:** All right, any other questions for either Mr. Ramos or the Architect, Mr. Mesuk? Hearing none. Seeing none, we'll open it up to the public. There doesn't appear to be any members of the public, so back to the dais.

**Chairman Dunning:** Maybe Mrs. Ramos has something to say?

**Attorney Mondello:** I doubt it. She probably does not want to approach the microphone, Mr. Chairman. All right, back to the dais, either a motion for or against.

**Vice Chairman Grygus:** I'll make a Motion to Approve the application for an addition of a second story addition and a one story addition to the rear of the property and the variances that are listed in Engineer's letter, and the addition that the two air conditioning units will be relocated to the rear and that the shed will be either relocated to conform with the ordinance or removed as part of the application.

**Attorney Mondello:** Is there a second?

**Member Ludwig:** I'll second that.

**MOTION TO APPROVE APPLICATION ZBA2021-10:** made by Vice Chairman Grygus, seconded by Member Ludwig. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Henderson, Ludwig and Aumenta

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

**RESOLUTION:** ZBA2021-09 – Mano, Bonnie A.

**Attorney Mondello:** Thank you, Mr. Chairman. Jennifer, do you have one that I printed out? So this is in the matter of Bonnie Mano and the Board will certainly recall this was an application for a home occupation to manufacture parrot food/bird food. So the typical conditions are in the Resolution, but there is one that is considerably unusual, and I had a conversation with Mike, about this particular condition. He is going to issue a Temporary Certificate of Occupancy, and then at some point in time, and I don't think it has to be planned ahead, you can knock on the door for a final inspection for the Certificate of Occupancy. If you find that, in fact, Ms. Mano is living there with her birds as she's indicated, I think you're certainly authorized to issue a Certificate of Occupancy. If on the other hand, you find evidence that she's not living there, I think she needs to return back to the Board. Well,

**Chairman Dunning:** Well the other issue with that is that the drawings she submitted for this application don't show the addition to the front of the house. So I don't know if that's in the permit that's hanging up that's right now in limbo, or something we have to pursue.

**Mr. Hafner:** I believe that the house has been constructed as per the plans that were submitted to our building department. The survey differs from that.

**Chairman Dunning:** Yeah, well, the drawings that they had here were only two years old and do not show an addition to the front of the house.

**Mr. Hafner:** The Board may want an updated plan.

**Attorney Mondello:** Well, I think we may be talking about two separate applications. We had one for a home occupation, which is one thing. Was this addition created as a result of

the home occupation because there was no testimony as to this renovation, as to this expansion of whatever portion of her house. Was this done prior to the home occupation, because then she needs to come in on a new application? Is a variance required for this renovation? That's what the Chairman seems to be alluding to that there is some type of setback violation.

Mr. Hafner: After review, there is no setback violation. The home occupation was discovered during the renovations to the house. But for that, she would not have had to come to the Board.

Chairman Dunning: For the front addition it changes the front yard setback.

Mr. Hafner: The front of the house remained the same. They renovated and added to the house rear of the front yard setback line.

Attorney Mondello: And they're within the appropriate setback requirements.

Mr. Hafner: Right.

Chairman Dunning: So the drawings they gave us to use don't reflect what's built there.

Mr. Hafner: That may very well be the case.

Chairman Dunning: It is there. But then when they brought the pictures, you can see there's an addition to the front of the house that isn't on the official drawings that they gave us.

Mr. Hafner: And that may very well be the case that they may have submitted drawings, inaccurate drawings or surveys, to the Board. And that may or may not be germane to your decision.

Attorney Mondello: It's not, but it would be a good idea to have accurate drawings on file.

Chairman Dunning: Okay, thank you, Mike.

Attorney Mondello: Alright, so that's the only unusual condition that is placed in the Resolution. I'll entertain any questions or comments, the Board Members may have.

Member Covelli: Mr. Mondello, there was a typographical error. You repeated the first, second, whereas twice.

Attorney Mondello: Thank you.

Vice Chairman Grygus: Before what we were discussing with regards to the overlay zone, if that is in part of.

Attorney Mondello: This application is not in the overlay zone.

Vice Chairman Grygus: Oh, I'm sorry. That's the other one. Okay.

Attorney Mondello: That can be another discussion after we're done here.

Vice Chairman Grygus: I mean the overlay zone is over there. It's very close to this application.

Attorney Mondello: Okay.

Engineer Nash: I do have a question. Is this home occupation for this specific purpose or any home occupation?

Attorney Mondello: Oh, no, no, this purpose. I mean, the proofs were that this was less intense than taxidermy and of the things that were, you know, not permitted, etc., so it's only for this home occupation.

Member Covelli: Mr. Mondello, the Resolution is both clear and concise.

Attorney Mondello: Are you asking me or telling me?

Member Covelli: I'm asking you.

Attorney Mondello: Well, I think it is.

Vice Chairman Grygus: If you would have read it, you would have known that.



**Member Covelli:** I got through half of it and then that funny thing called work gets in the way.

**Member Sbarra:** Yeah, I mean, one other thing just for point of clarity. We're clarifying that in this Resolution that it states that both the applicant has to live there, as well as her parrots?

**Attorney Mondello:** No. She had indicated to me that the parrots would live there. We have no legal authority to require that the parrots live with her. She's indicated to me that her parrots, or birds I should say, always live with her. So I think it's reasonable for when you do make an inspection for the final Certificate of Occupancy to see if she's living there, and the birds are living there because if they're not, then she has a credibility issue. Not that we can change it, but she's got a credibility issue if she ever comes back.

**Chairman Dunning:** What's going on now she's got a huge cage behind the house next door where the birds spend the summer.

**Attorney Mondello:** Well, let's not forget she can't move into house number 50 because there's no Certificate of Occupancy. So once she obtains the Temporary Certificate of Occupancy, she moves in, and then at some point, hopefully unannounced, Mike will show up and say I'm here to issue the final Certificate of Occupancy and see if she's, in fact, living there.

**Chairman Dunning:** Right, and he becomes the bad guy.

**Attorney Mondello:** He's a good guy. All right, thank you, Mr. Covelli for that typographical correction. I'll take care of that. Anything else? Hearing none, seeing none, do I have a Motion followed by a second to memorialize this Resolution?

**MOTION TO MEMORIALIZE THIS RESOLUTION AS PREPARED BY BOARD**

**ATTORNEY:** made by Member Ludwig, seconded by Member Aumenta. Voting yes were Members Henderson, Ludwig, Aumenta, Lynch and Sbarra

**CORRESPONDENCE:** Board Secretary noted that we got a lovely Christmas card from Engineer Nash and Boswell Engineering.

**Chairman Dunning** questioned if NJPO had any dates for new members to attend class. Board Secretary advised there are no dates and they were doing the classes by Zoom.

**VOUCHERS:** submitted by Ronald Mondello, Esq. For the Mano Application in the amount of \$750; and for attendance at the December 1, 2021 Meeting in the amount of \$400.

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

**VOUCHERS:** submitted by Boswell Engineering for the Licastro Application in the amount of \$689; for Scenic Landscaping Application in the amount of \$848; and for Mano Application in the amount of \$212.

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

**MINUTES:** I'm sorry I didn't get done with the Minutes. I just started them so they will definitely be done with the January 5<sup>th</sup> meeting along with this meeting

**ENGINEER'S REPORT:** I am passing out two new applications tonight . The first application is at 439 Ringwood Avenue is just an addition and application for 1049 Ringwood Avenue, which is the apartment building, is asking for a Use Variance.

**DISCUSSION:**

**Attorney Mondello:** Bruce, did you want to now touch base on what we were talking about?

**Vice Chairman Grygus:** Yeah, I mean, it is probably more appropriate for you to do it. So the question that I would have is that enforceable after the Resolution is approved? If we do find out that they didn't meet the requirements.

**Attorney Mondello:** Yes, because I put that condition in the Resolution. What I was talking to Bruce about was the single family home. I think the name is Licastro. There is an affordable housing overlay. So some towns actually set up a fund so that if you do construct a single family home, or something where you couldn't have a piece of a unit, a fraction of a unit, you would take that value, that market value, and put it in an account, an affordable housing account. I reached out to Mr. Benecke to try to find out is there something like that in the town. I couldn't find anything in the ordinances. I don't know if the building department has any knowledge of that, but if there isn't, there isn't, but if there is, this applicant should be putting his appropriate, affordable housing contribution into that fund. That's what we were discussing.

**Chairman Dunning:** Okay. Anything else? As far as training classes, Jennifer we'll find out when, where, how and she'll let Members Lynch and Sbarra know.

**Member Covelli:** So our next meeting is January 5th, which means that the workshop would be the Saturday before, which is actually New Year's Day. Which means if you wanted to have a site visit for Scenic, we wouldn't be able to have on that date.

**Chairman Dunning:** We'll wait for them.

**Member Covelli:** But all indications are that they will be here for January, correct.

**Board Secretary:** No. he kind of put in there in. I have no new plans in the office.

**Member Covelli:** And you would need them when?

**Board Secretary:** Ten days prior.

**Chairman Dunning:** The 25th or 26th of December, we've got to have everything in.

**Member Covelli:** Well it isn't the 25th.

**Attorney Mondello:** Frank, I'm sorry, I've forgotten why does the Board need a site visit in total? Why can't folks just sort of go ahead that

**Chairman Dunning:** Because of that cartoon drawing they gave us.

**Attorney Mondello:** I understand that, Mr. Chairman, but why does it have to be collectively? Why not just individual members go at their leisure instead?

**Chairman Dunning:** We want them to explain to us what the hell they're trying to do there. That's what it comes down to. One drawing shows rock outcrops, the other has it here, they showed nothing with the neighborhood, the road they want to come in Jefferson is borough property and that'll never happen.

**Engineer Nash:** They are having it surveyed and preparing a topo map now, instead of that cartoon.

**Vice Chairman Grygus:** So I think the answer to Mr. Mondello's question there would be absolutely nothing that would prevent any members to go there on their own, as long as there's not more than.

**Chairman Dunning:** We have their consent to go there.

**Engineer Nash:** Yeah, they signed the Consent.

**Attorney Mondello:** The point I'm trying to make is if the entire Board goes, it needs to be noticed, somebody needs to take Minutes, we've done it before. Yeah, Jennifer doesn't want to be wearing three coats like 1049. If there is going to be a discussion, as the Chairman has just indicated, well, the public needs to know, and he'd be able to hear.

**Member Covelli:** We had public at the one.

**Attorney Mondello:** We did.

**Vice Chairman Grygus:** Does it have to be noticed, because that's part of our By-Laws that the site visits will be the Saturday prior to the meeting.

**Attorney Mondello:** That's fine as long as there's no discussion about the application, and you don't have the applicant there explaining what he wants to do.

**Vice Chairman Grygus:** That you do or don't?

**Attorney Mondello:** Don't, you can't. That's testimony.

**Vice Chairman Grygus:** Well that's the whole idea.

**Member Covelli:** And by the way, we also do it so infrequently, it's not like you can say, well we always do this.

**Chairman Dunning:** When we did 1049 the applicant was there and his engineer was there.

**Attorney Mondello:** Yeah, we noticed and Jennifer took notes, and I recorded it.

**Chairman Dunning:** He had everything painted in the snow, the balloons and that worked out perfectly.

**Attorney Mondello:** It did.

**Chairman Dunning:** Scenic's different, but we want to see what the hell they're doing and what's around them. The drawings they gave us showed nothing.

**Attorney Mondello:** So let me ask the Board this, if they update those drawings, will you be able to get it the same information from the drawings versus having the entire Board go up there and having the applicant testify as to what he wants to do?

**Chairman Dunning:** Well, you get two issues.

**Member Covelli:** My Mr. Mondello seems to be very obstinate about doing the field trip.

**Attorney Mondello:** It requires some planning, Frank. I mean, you know, you can't just say we're doing it on this date, she's got to notice.

**Member Covelli:** That's why I brought it up because of the fact you have a holiday square on the date that we would normally go there.

**Attorney Mondello:** I mean, I have no problem doing it. It's just that it's got to be done the right way.

**Chairman Dunning:** So you're going to make sure we do it the right way.

**Attorney Mondello:** Well, let's start out with a date.

**Chairman Dunning:** We're waiting for a final drawing from them so we have something to follow.

**Attorney Mondello:** What do we do if they show up on January 5<sup>th</sup> and, of course, as Frank mentioned, we're not going to be able to get out there and do a full site visit by the entire Board, do we just tell them see you later. Don't show up on the 5<sup>th</sup>?

**Chairman Dunning:** They can explain the new drawing. We can say we don't like it and try it again.

**Vice Chairman Grygus:** Okay, let me ask this question. If we were going to advertise it, when would it have to be advertised for a hypothetical site visit on the 1<sup>st</sup>.

**Board Secretary:** I would need everything by December 22<sup>nd</sup> ..

**Vice Chairman Grygus:** You would need the plans, when would we have to post the notice by?

**Attorney Mondello:** It's got to be at least 10 days before.

**Vice Chairman Grygus:** Okay, so the notice would have to be posted by the 22<sup>nd</sup>. So clearly, if there are no plans in here by the 22<sup>nd</sup>, it's a moot point.

**Chairman Dunning:** Right now, there's no plan.

**Engineer Nash:** They would need to submit the plans ten days before the site visit, not before this meeting. Because that is when the meeting is.

**Member Covelli:** So you are actually saying it is a different date then the 22<sup>nd</sup> that you said would be the last date for him to submit plans.

**Board Secretary:** But that would be for the January 5<sup>th</sup> meeting. Engineer Nash is saying that if we pick a date, day December 15<sup>th</sup>, they would have to get the plans to the Board by December 5<sup>th</sup>.

**Attorney Mondello:** I have another concern. The public may not know about this even though it gets published in the paper. All those folks that were here, will probably not know about it. In fact, some were pretty upset that they didn't know when the date was going to be for the site visit. Why don't I suggest this. I'm going to contact the attorney and see if I can get some dates and find out what he is planning on doing with the public and then I'll coordinate with Jenn. Who knows it sounds like it may be February.

**Member Covelli:** That's why I brought it up because it is kind of unique that the work session would literally be on a holiday.

**Member Sbarra:** Here's another thing to if my memory serves me right, but it may not, I thought he said he would agree to the site visit but he said he was not going to be giving testimony at that visit.

**Attorney Mondello:** But the Chairman just said he wants them to explain what they are going to do, how they are going to do it, and that's testimony.

**Member Sbarra:** Like I said if I remember correctly, he said he was not willing to give testimony on site.

**Attorney Mondello:** If there is no testimony, then the Board can just go up there, no one's going to discuss the application, you are going to look at the property and go home. You don't have to notice, you don't have to talk to each other.

**Member Covelli:** I really don't take much stock in that statement, if they made it. At the end of the day they would actually be hurting their own application because to assemble the Board and not have both professionals. For example again, the last one we did, the applicant had their engineer there. We had questions to ask and if we are not going to have our questions answered it doesn't bode well for your application.

**Board Secretary:** Their letter also says "that the revised plan will no longer call for access via Jefferson Street." That's the second paragraph.

**Chairman Dunning:** All right, that's a big question. That's the borough property and they aren't going to wait for them to get back to them.

**Attorney Mondello:** Why don't I do this Mr. Chairman, I will speak to the attorney and tell him that we are planning a group site visit, he better have his professionals there because we're going to have questions and we want answers.

**Chairman Dunning:** That's going to happen after February, especially with the holidays. We need a full set of plans to see what the hell they are talking about.

**Attorney Mondello:** Okay, I will take care of that.

**MOTION TO ADJOURN AT 9:00 PM:** Motion made by Chairman Dunning and carried by a voice vote.

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