

REGULAR MEETING
ZOOM VIDEO CONFERENCE

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

OPENING STATEMENT:

This is the Regular Meetings of the Wanaque Board of Adjustment and adequate notice has been given and it has been duly advertised by the placement of a notice in the Suburban Trends on January 17, 2021 and January 24, 2021 and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque, on the Borough's website and a copy thereof has been on file with the Borough Clerk and will be posted on the front door of Borough Hall on the day of the meeting.

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

ABSENT: Chairman Jack Dunning (excused absence)

Acting Chairman: Okay, so we can probably make this a pretty quick one. We have no applications on the agenda tonight. Do we have any update if they will be ready for a March and do we need any extensions from them?

Board Secretary: No, because they have never noticed or published a notice (36 Hillside Road and 1458 Ringwood Avenue). They just recently went out, but we have two new applications for homeowners. One is to put an attached garage up and the other one is to put an above-ground pool.

Acting Chairman: So they are complete and be on for March?

Board Secretary: I'll check with Mr. Nash as I get closer. They are homeowner applications. The homeowners filled everything out and sent it in.

PUBLIC DISCUSSION: Any member from the public have anything that they want to speak about to the Board? I don't see anyone on the screen here. Ron, do you see anybody?

Attorney Mondello: There is no member of the public, Mr. Chairman.

Acting Chairman: Okay, we'll close the public portion.

RESOLUTION:

ZBA2019-07 – Marylou Romero, 39 Snake Den Road, Wanaque

Attorney Mondello: Thank you, Mr. Chairman. In the matter of the application of Mary Lou Romero, you may recall this was the case where the applicant's fiancé' went ahead and constructed an addition to a single family residence that, ironically is in a zone where residents are not allowed single family homes, the WRC District. In any event, the applicant needed a Use Variance to get permits for the construction that already occurred. The typical conditions were placed in the Resolution. I'll entertain any comments or questions the Board Members may have at this juncture. Hearing none seeing none, I'd ask for a Motion followed by a Second.

I'll make a motion to approve - Member Ludwig

I'll second it - Member Aumenta

Attorney Mondello: Thank you. Everyone voted in favor, so I'll simply ask, All those in favor? All Members answered "Aye". Any opposed? Hearing none Seeing none, the Motion carries and the Resolution is memorialized.

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

CORRESPONDENCE: None

VOUCHERS: submitted by Boswell Engineering for Liljestrand Application in the amount of \$106.

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

VOUCHERS: submitted by Ronald Mondello, Esq. for Romero Application in the amount of \$450; and attendance at the February 3, 2021, Meeting in the amount of \$400.

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

MOTION TO APPROVE JANUARY 6, 2021 MINUTES: made by Member Pasznik, seconded by Member Aumenta. Voting yes were Acting Chairman Grygus, Members Covelli, Stefanowicz, Ludwig, Pasznik, Levine and Aumenta

ENGINEER' REPORT

Acting Chairman: Chris, you have anything?

Engineer Nash: Yeah, a couple things. I prepared Compliance Reviews for 33 Decker Road and 511 Ringwood Avenue, which was Nouvelle, the four unit building on Ringwood Avenue. The compliance review is the applicant, after they got approval, they revised the plans in an attempt to take care of all the comments. We got one out of two.

511 Ringwood Avenue: The plans were revised to reflect all of the Board's comments, all of the conditions of the Resolution, and all of the comments in my review letter. So they got 100% and a happy face.

33 Decker Road: They took care of everything, but the long story short, the one thing that they did not comply with was with regard to the drainage. They have seepage pits on the property and because there is a rock outcroppings on the property, the Board was concerned if the seepage pits would work. Obviously, the water needs to percolate into the ground so if there's bedrock, at the surface, it's certainly not going to work. They are asked to perform percolation tests, or a test pit on the property, and revise the stormwater management calculations. They revised the stormwater management calculations, but they made an assumption on the soil. They did not take a perc test. I think it's important enough so, in the Compliance Review Letter, I'm pointing that out and saying that item needs to be satisfied. I understand Mike has a copy of the letter so this is a way to, again check that all the Board's conditions are being met and their application for a building permit is in compliance with their approval. I sent the letter to them, and I'm waiting to hear back from them. I'm sure they are going to take care of it, but with two feet of snow on their property, and in the dead of winter, it's not possible to do.

Board Secretary: If the Board Members would like, tomorrow I'll send you each a copy of the two Compliance Letters for your files, so you just have them for complete files.

Acting Chairman: Chris, you have anything else?

Engineer Nash: Nothing else, Mr. Vice Chair.

DISCUSSION:

Acting Chairman: We're going to discuss the Resolution that was proposed for the zoom meetings now that everyone's had an opportunity to review it. I know the one thing that I am just adamant about that is really the only concern I have was the one that was voiced prior and that's really the only concern I have. Not giving an opportunity for that testimony to be cross examined.

Attorney Mondello: So if I might, Mr. Chairman, we can always start from the proposition that the Board, in my opinion, is not necessarily required to adopt, you know, these regulations or these rules governing electronic meetings, zoom type meetings. I've recommended it to some of my other towns, because, unlike Wanaque, more often than not, the meetings are very contentious, and 110 people could show up, so we needed to think about some rules. In fact, I've had to convert the meetings, and it's substantially more money, to webinars, which is more akin to a real live meeting. Because the regular zoom meeting, if folks are not muted, they just get to shout. It's almost like people in the audience yelling. With a webinar, everybody is an attendee, and the Board Members are panelists. When someone has a question, and they raise their hand, I promote them to a panelist, they asked the question, the professionals respond, and then they get moved back to attendee. So anyway, start out with that proposition, but if the Board's inclined, and I agree with the Chairman that that one paragraph, that one Whereas clause, where it says

“in addition to making public comments at any remote public meeting, the zoning board in advance of the remote meeting shall allow public comments to be submitted to the clerk, by electronic mail and in written letter form to be read aloud, and addressed during the remote public meeting.” And this is where I put a twist on the regulations, “except that such written public comments shall not be treated as testimony and shall not be considered by the zoning board and its decision during any *quasi* judicial hearings on land development applications.

Acting Chairman: Alright, I just have two comments. My first comment is, on your first part Ron, you never know what is going to happen three months, six months, nine months, or a year down the road from now. And if we do get a very contentious application, we can't go, you know, ramming in this Resolution prior to that, at least I don't think we can, prior to that hearing. I think the town kind of learned its lesson with that with the Mountain Lakes Estates. As far as my second part, do we have to allow those comments at all? Because my concern is it's a very subjective approach to say, was a Board Member or wasn't a Board Member swayed either way by those comments?

Attorney Mondello: To answer your question, Mr. Chairman, I can find no legal authority for the DCA to control governing bodies, and regulatory agencies like a land use board. In my opinion, they have no authority. All right, it's a state of emergency and I guess everybody's chipping in and everybody's trying to do the best that they can and, in some instances, flying by the seat of your pants. But to answer your question, no, I think they can simply be deleted.

Acting Chairman: That's what I would want to do.

Member Pasznik: I agree.

Acting Chairman: I think it's good that we vote on it and have it in place, rather than have it and not need it, then need it and not have it.

Member Aumenta: I agree.

Attorney Mondello: That's fine.

Member Ludwig: It can always be amended if we find something that's needed.

Acting Chairman: I'm not going to make the Motion but I would support putting it as proposed and striking that one section completely.

Attorney Mondello: Done.

Acting Chairman: Okay, we need a motion in a second on that.

I'll make a motion to approve that - Member Ludwig

I'll second the motion – Member Stefanowicz

MOTION TO APPROVE RESOLUTION REGARDING ZOOM MEETINGS: made by Member Ludwig, seconded by Member Stefanowicz. Voting yes were Acting Chairman Grygus, Members Covelli, Stefanowicz, Ludwig, Pasznik, Levine and Aumenta

Acting Chairman: Okay, just to have a little bit more discussion with Frank and Mike for that matter. So we sat in on the zoom meeting for the rezoning or the redevelopment plan. They are addressing the things like the Water Conservation Zone up on Snake Den Road, and they are enforcing a couple of the areas where we had on Greenwood Avenue that Frank brought it up to them, with the townhouses. There's a townhouse overlay over there that impacted two of our applications on Greenwood . Their addressing Laura Avenue or Rhinesmith Avenue, Mike, that

runs parallel to Ringwood Avenue, I forget which one. Frank advised it is Laura Avenue. They're addressing the area of Stephens Lake with Humbert and Linda Road and in those areas. I just want to make the Board aware of something too, because I was not aware of it. But Mr. Hafner attends our meetings at his own time. He's not compensated for it. We had a discussion about a bunch of things, and he does it because he feels that, if he hears everything that the Board has to say about an application, that better informs him and better prepares him for everything that needs to be looked at when it comes down to a set of plans and, you know, approvals and things of that nature and exactly what the Board wanted. Sometimes things could be maybe be a little bit misconstrued in what could be finalized in the final condition, or if something is just mentioned, he just feels that hearing it with his own ears, as opposed to just reading a Resolution, better prepares him to do it, and I just want to thank him for that. Because for those that have been on the Board for a while, you know, some of our previous people that we had, we moved meeting dates for one individual who attended about two or three meetings, and then he didn't show up anymore, and then then we ended up back at the first Wednesday of the month. So I just wanted to make sure the Board was aware of that and I wanted to publicly thank Mike for that. Member Covelli commented I'd like to second that, and that I think he really does an outstanding job and because his effort and dedication is really second to none. All Members agreed.

Acting Chairman: Frank or Mike did you want to add anything from the meeting the other night or?

Mr. Hafner: No, you covered everything and I appreciate the kind words, you're making me blush.

Attorney Mondello: That's because you have three shirts on?

Member Covelli: Well, you know, he does live in the mountains there Ron. He's got to dress a little warmer.

Acting Chairman: We had a few contentious moments in the meeting. There was some shots taken at our Board by a couple members of another Board. First of all, I don't understand how they had so many on there and it wasn't considered a quorum, but that's another issue. They don't seem to understand the difference between our Board and their Board. Apparently they expressed their displeasure with some of the decisions of the of the Board of late.

Attorney Mondello: Mr. Chairman, whenever it's convenient, there's something that I probably should have mentioned to the Board under correspondence whenever you're finished. Okay.

Acting Chairman: Frank, if you have nothing, or Mike if you have nothing, go ahead Ron.

Attorney Mondello: So some time back, I was contacted by a Member of the Wanaque Governing Body and they were inquiring as to why Mr. Nash went out and inspected the Chabad Jewish Center after the Board had already approved the application. This particular council person had said, well, you know, doesn't our in house building inspector do that, and they're salaried. They don't, I guess, typically charge the applicant, whereas, of course, you know, Mr. Nash, it's part of the agreement if he goes out and does an inspection like that, or whatever the case may be, whether it's not built or built. I did explain to the council person that, first of all, the application was bifurcated. There were many, many questions as to how exactly the sign was going to be constructed, etc. But at the end of the conversation, which lasted about 20 minutes to maybe a bit more, give or take, the Councilman's questions were answered and he understood why that inspection had taken place. Chris?

Engineer Nash: I did a, I'm not going to call it an inspection, but I made a site visit, but it wasn't after the approval, it was prior to me writing my letter. One of the issues was sight distance, and I

had to go there to, you know, see that and taste and smell the sight distance issue. So, you know, if I charged them half an hour for that time, it was well worth the visit. But it was done before I wrote the letter. It wasn't after an approval. I have no business going on to the site after an approval, unless there's some compelling reason that the Board wants me to. The Board knows and commented in the past that I put it in my letters, when I don't go to the site. I specifically say it when I don't need to, so not that it was a rare exception.

Member Ludwig: With sightlines at that place and on that particular lot, you almost have to go out I mean.

Engineer Nash: Yes.

Attorney Mondello: Well, at the end of the conversation, the Councilman was absolutely satisfied that anything that Mr. Nash did had to be done.

Engineer Nash: Was that complaint an extension of the applicant not wanting to pay any escrow fees? Maybe that's a rhetorical question.

Acting Chairman: Any other discussion from the Board? All right, then it looks like we're coming up for adjournment. Let me just see what's the next date? It looks like it's going to be March 3rd. Anyone know that they will not be around? Appears everyone should be available.

MOTION TO ADJOURN AT 8:23PM: made by Member Ludwig. Motion carried by a voice vote.

Jennifer A. Fiorito
Board of Adjustment Secretary