

**REORGANIZATION MEETING**  
**&**  
**REGULAR MEETING**

**Salute to Flag: 7:50 P.M.**

**OPENING STATEMENT: Read by Mayor Dan Mahler.**

**This is the Reorganization & 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 and Herald News on December 6, 2015 and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque, 579 Ringwood Avenue, Wanaque, and a copy thereof has been on file with the Borough Clerk**

**Mayor Mahler swore in New Member: David Karp, Alternate Member #2**

**ROLL CALL: Members Jack Dunning, William (Bruce) Grygus, Frank Covelli, Donald Ludwig, Michael Levine, Suzanne Henderson and David Karp.**

**ABSENT: Member Peter Hoffman**

**NOMINATION FOR CHAIRMAN: Member Grygus nominated Jack Dunning, seconded by Member Ludwig. No other nominations heard. Nominations closed.**

**ROLL CALL ON NOMINATION FOR CHAIRMAN: Voting yes were Members Grygus, Covelli, Ludwig, Levine, Henderson and Karp.  
Member Dunning abstained.**

**NOMINATION FOR VICE CHAIRMAN: Member Ludwig nominated William (Bruce) Grygus, seconded by Member Covelli. No other nominations heard. Nominations closed.**

**ROLL CALL ON NOMINATION FOR VICE CHAIRMAN: Voting yes were Members Dunning, Covelli, Ludwig, Levine, Henderson and Karp.  
Member Grygus abstained.**

**NOMINATION FOR BOARD ENGINEER:** Member Covelli nominated Christopher Nash of the firm Boswell Engineering for Board Engineer, seconded by Member Ludwig. No other nominations were heard. Nominations closed.

**ROLL CALL ON NOMINATION FOR BOARD ENGINEER:** Voting yes were Members Dunning, Grygus, Covelli, Ludwig, Levine, Henderson and Karp.

**NOMINATION FOR BOARD ATTORNEY:** Member Covelli nominated Ronald P. Mondello, Esq. for Board Attorney, seconded by Member Ludwig. No other nominations were heard. Nominations closed.

**ROLL CALL ON NOMINATION FOR BOARD ATTORNEY:** Voting yes were Members Dunning, Grygus, Covelli, Ludwig, Levine, Henderson and Karp.

**ADOPTION OF NEWSPAPERS:** Continue with the Suburban Trends and Herald News: **MOTION TO ACCEPT AND ADOPT THE SUBURBAN TRENDS AND HERALD NEWS AS THE OFFICIAL NEWSPAPERS:** made by Member Grygus, seconded by Member Covelli. Voting yes were Members Dunning, Grygus, Covelli, Ludwig, Levine, Henderson and Karp.

**MOTION TO MAINTAIN THE FIRST WEDNESDAY OF THE MONTH FOR THE REGULAR MEETING AT 8:00 P.M.; AND THE SATURDAY PRIOR TO THAT MEETING FOR SITE VISITS AT 10:00 A.M.; AND DIRECT THE BOARD SECRETARY TO ADVERTISE IN ACCORDANCE WITH THE OPEN PUBLIC MEETINGS ACT TO GIVE NOTICE OF THE MEETING DATES FOR 2016:** made by Member Covelli, seconded by Member Levine. Voting yes were Members Dunning, Grygus, Covelli, Ludwig, Levine, Henderson and Karp.

**ADOPTION OF EXISTING PROCEDURES AND BY-LAWS:**  
**MOTION TO ACCEPT EXISTING PROCEDURES AND BY-LAWS (WITH ANY REVISIONS):** made by Member Covelli, seconded by Member Grygus. Voting yes were Members Dunning, Grygus, Covelli, Ludwig, Levine, Henderson and Karp

**MOTION TO ADJOURN REORGANIZATION MEETING AT 8:00 P.M. TO REGULAR MEETING:** made by Member Covelli, seconded by Member Grygus. Motion carried by voice vote.

**REGULAR MEETING**

Chairman Dunning called Regular Meeting to order at 8:05 P.M.

**ROLL CALL:** Chairman Dunning, Vice Chairman Grygus, Members Covelli, Ludwig, Levine, Henderson and Karp

**ALSO PRESENT:** Attorney Mondello, Engineer Nash and Kenneth Albert, Wanaque Borough's Planner

**MEMBERS ABSENT:** Member Hoffman

**Application #ZBA2015-03 – 1049 Ringwood Avenue, LLC, Applicant, 1049 Ringwood Avenue, Haskell, NJ, Block 430, Lot 1**

Chares Lorber, Esq. of Mandelbaum Salsburg, Applicant's Attorney

Attorney Mondello stated I believe we left off with the testimony of Nicholas Graviano who was not an expert in architecture, but planning, and we asked that his testimony be withdrawn as he is not an architect.

Attorney Lorber agreed and you may recall we had an architect testify at the very first meeting and he was unable to come to the last meeting. There were a number of issues specifically regarding fire safety, etc. there were brought up. We have hired another architect who actually is an expert in fire safety. He has built and designed high risers, apartment buildings, hotels, dormitories, strip malls, etc. and has dealt with fire codes.

Matthew Jarmel of the firm Jarmel Kizel, Architects and Engineers, 42 Okner Parkway, Livingston, New Jersey. I hold a Bachelors of Architectural Degree from New Jersey Institute of Technology and a Masters in Business Administration with a Concentration of Real Estate Development and Urban Land Use from Rutgers University. I am a Registered Architect with the State of New Jersey since 1994 and Board Certified by the National Council of Architectural Registration Board, which allows me to be registered in any State within the United States and I currently hold 24 State Registrations, including the District of Columbia. I have testified throughout New Jersey before both Planning & Zoning Boards for probably over 100 municipalities as well as the Superior Court. I have testified in Wayne in Passaic County.

Board accepts Architect Jarmel as an expert in the field of architecture.

**Exhibit:** Architect/Fire Safety Expert

**A-20 Colorized Drawings of Ground Floor Fire Safety Plan (A101); Second Floor Fire Safety Plan (A102); and Third Floor Fire Safety Plan (A103)**

### Testimony of Architect Jarmel

The firm was founded in 1975 by my father and my brother and I started working at the firm in the late 80's, early 90's and developed a practice which was initially a commercial interior design business where my dad designed the inside of office buildings. Thereafter we started to design office buildings, commercial buildings, industrial buildings and then in the mid to late 90's we started to add engineering. Today, in 2016, the firm is very diverse in that on staff we have registered architects, professional engineers (civil/structural/mechanical, electrical, plumbing and fire protection). I have personally designed over 150 child care centers throughout the country and these buildings, which under the building codes are institutional use groups and have very high level of life safety requirements. We do a lot of industrial buildings, private schools, fitness centers and multi-family housing. I have done projects similar to this project throughout the state, including a recent one called "The Gateway" in South Orange, which is a building with about 100,000 square feet and 57 units, and he went on to describe other projects he is working on in both New York and New Jersey.

With regard to this project, I am not the design architect but have been brought in as kind of an expert on life safety and fire codes, and this is very much a type of project we do every day in our office.

Exhibit A-20, a copy of which was given to all Board Members, consists of three drawings: Ground Floor Fire Safety Plan (A101); Second Floor Fire Safety Plan (A102); and Third Floor Fire Safety Plan (A103). These drawings are the building floor plans previously submitted to you as part of the architectural package that I have highlighted and numerated with various content and information from the building code that is in line with my testimony this evening.

Attorney Lorber and my client have shared with me concerns the Board raised regarding the life safety of the building and the way it was configured. I believe there were questions about single means of egress, if the building had fire alarms and/or sprinkler systems, etc. I have actually noted on the plan different code information from the New Jersey Uniform Construction Code. New Jersey utilizes Building Code which is called the International Building Code, which about ¾ of the United States uses, but New Jersey actually writes specifically their own Code. I have sections quoted from the current code which is actually 2015, which was adopted in September but has a grace period through the end of March of 2016. I used this specific code assuming that if the application is approved, permits and final design plans would be submitted after March.

You will notice on the left-hand side of A-20, I quote some code requirement sections. The first one comes out The International Building Code ("IBC"), §310.4 and is the definition of Residential Use Group R-2. When you design a building per the Building Code, you type its use and its construction combustibility. Depending on the use, the use sets a hazard that tells you what type of combustibility you need. There are five overall types of combustibility. We are defined as a Residential Use Group R-2, which "R-2 occupancies containing sleep units of more than two (2) dwelling units where the occupants are primarily permanent, including apartment houses..." The word "permanent" is important

because somebody that lives in a home or apartment who is there every day is familiar with the building. They know where the exits are, the doors are, etc. You have noticed on A-20 that I have colored the building in three different colors because, if approved and built, it will appear to be a single building. It is actually three separate buildings from the building code standpoint. The lines that I have highlighted, which are the dark dashed lines which are noted "1" are actually fire barriers, which are two-hour fire walls that separate these buildings. Technically, they are separate structures and separate fire ratings between them. This is very similar if you think more to an urban area where they build row houses of independent buildings side-by-side.

What we are really proposing under this design is three buildings, not one, and this is important to designate because under §1006.3.1 Egress Based On Occupant Load stated "A single exit or access to a single exit shall be permitted in accordance with Section 1006.3.2. ..." The building code typically says you need two means of egress; however, you can have one if you meet certain conditions. So each one of these individual buildings has one means of egress because the apartment has one door and there is one stair, similar to a single-family house, and it is allowed.

If you continue down the chart under §1006.3.2. Single Exits "A single exit or access to a single exit shall be permitted from any story or occupied roof where one of the following conditions exists..." I only referenced the condition that applied here, which basically says "The occupant load, number of dwelling units and exist access travel distance do not exceed the values in Table 1006.3.2(1) or 1006.3.2.(2)."

One of the challenging things about the building code is you read one thing and it sends you to different areas so what I have done is created a path and below it I have paraphrased that table and it basically says: For a building of a basement 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> story above grade (so you are limited to 3 stories above grade), in an R-2 occupancy (footnote a), you are allowed a maximum of four dwelling units with a common path of travel of 125 feet. This means you are allowed four dwelling units on a floor, which we have because we have three buildings and each building has three floors with a maximum of four dwelling units, and you are to have a common path of travel of 125 feet. A common path of travel is a travel path that you are allowed to go on before you have two separate and distinct means of egress. If you go to the 3<sup>rd</sup> floor of our building in any one of the apartments and measure the distance from the most remote portion of the 3<sup>rd</sup> floor of that building, out the front door, down the stairs and out to the bottom of the stairs, it needs to be less than 125 feet. For most of them, we are at 122 feet or less. We comply with this provision along with the four dwelling units per floor.

Footnote A states "Buildings classified as Group R-2 has to be equipped throughout with automatic sprinkler system in accordance with §903.3.1.1 and 903.3.1.2 and provided with emergency escape and rescue openings in accordance with §1030." This means that if you go into the building code and read §903.3.1.1 and .2 it talks about fire sprinklers and when they are required. We are mandated per this requirement when we want one means of egress to have them and basically there are fire sprinklers throughout this building. Because this building is wood framed, it also requires fire sprinklers in concealed spaces, which means above the ceiling in between the first floor ceiling and the second floor there will be sprinklers, and similarly between the second floor ceiling and the third floor and between the third floor ceiling and the roof there will be sprinklers. The entire building is

equipped throughout with a sprinkler system, which means it is also equipped with siamese connection or fire department connection so the fire department can pull a truck up to the building and connect their pumper to it and pump water into the building to supplement that system. However, it is a wet system, so if there is fire and it reaches a certain temperature it melts the individual head and it sprays water so the water starts spraying where the fire is to put it out. The reason it doesn't go off everywhere in the building is because you don't want to destroy the building if you can control the fire or water can cause, not just damage, but it can cause structural damage to a building in a fire. The way sprinklers are designed is they open up on an as needed basis. Once that sprinkler opens up, water starts to flow and sets off an alarm and it has to be tied in, per code, to a central station so the central station notifies the fire department. This is a 24 hour system. I did research and found a statistic that said that your chances of dying in a sprinklered building are reduced by 88% as opposed to a building that is not.

The other portion of the footnote talks about rescue openings, which are windows. The windows need to be a certain size so a person can get out of it and a fireman can easily climb into it after knocking the window out with the axe. Every window in this building is sized to meet this requirement.

To review, since we have the sprinkler system, egress windows and no more than four units per floor, the building code allows us to have that single means of exit. It also requires us to have a fire alarm throughout the building, which includes both smoke detectors and carbon monoxide detectors. So if any of these alarms go off, it sets an alarm that triggers a call to the central station.

Referring to A-20 under Key Notes:

Note 1 – Denotes a 2 hour fire wall between the buildings

Note 2 – Emergency Escape and rescue openings which are designed in accordance with the building code

Note 3 – Sprinkler System and Fire Alarm System

Note 4 – Fire Partitions between the apartments - This has nothing to do with the single means of egress, but is a requirement for any multi-family building that you have to have a fire rated partition between apartments. That partition goes from the floor to the underside of the deck above so it creates a “sealed compartment” for the apartment. For example, if there was a kitchen fire that made it up into the space above the ceiling, the walls block it from spreading in addition to the fire sprinkler system.

With this building being an R-2 Use Group, it allows us to use a construction type of 5A or 5B. Type 5A is a protected structure, which means that although it is not constructed out of steel, even if there is some steel in the building, it is predominantly wood framed. The wood is encased either in gypsum board or various types of plywood that allow it to withstand a structure fire. So the floors have a one-hour rating, the walls have either a two-hour or one-hour rating and what that means is in an event of a fire, this separation wall between buildings is structurally stable for two hours. The stair walls that surround the stairs are structurally stable for two hours in a fire and the apartment separation walls in a fire are structurally stable for one hour.

Even though I have been working off of Page A101 (First Floor) of Exhibit A-20, the other two exhibit pages are all basically the same. I just highlighted that we have three separate buildings and repeated the code data on them. Besides the life safety features the building will have, I know that our Civil Engineer has met with your Fire Chief, reviewed the site plan, had discussions about how he would approach the building if there was a fire, as well as fire hydrants being added to the site plan. So on site, we actually have fire hydrants that allow your fire department to connect to them if they needed to.

I believe I have completed my testimony and will entertain any questions the Board or public have for me.

Chairman Dunning questioned if the hallways were sprinklered?

Architect Jarmel answered yes they are, but there really are no hallways. Once you come out your door, you are in the exit, which is the stairwell, which is sprinklered.

Engineer Nash wanted to clarify that your plan shows three buildings and that is from a fire protection perspective. I just want to be clear on the record that it is one building from the site plan perspective.

Architect Jarmel stated "that is correct".

Engineer Nash questioned that your testimony and plan preparation is specifically related to fire protection. Do you have an opinion on the building layout as an architect?

Architect Jarmel stated, in the process of his preparation, I reviewed the site plan, the building floor plans and the elevation. The first thing I would say, and I have an exhibit that the architect used at the previous hearing, which was Exhibit A-8 Rendering of the Building, it is an extremely attractive building. It has both masonry and siding and has a roof that is slopped that takes on a residential look and it also creates a screen for any mechanical equipment that would go on the roof. Looking at the parking layout, I believe the parking is appropriate in that I think it was designed in accordance with either your Ordinance or the RSIS Standards. There seems to be appropriate aisle widths to maneuver vehicles and fire vehicles throughout it. As far as the floor plan, the apartments I believe are sized appropriately for the market. There is a combination of apartment types such as one and two bedrooms. This is a concept or plan that is widely used, not just in New Jersey but throughout the United States, and very similar to what you may see built by a national home builder. It is a very common design and I think it works and is functional.

Member Covelli stated that on the plan you indicate two-hour fire rated walls and one hour. Could you give an example of the difference between those in terms of its construction?

Architect Jarmel stated a one-hour wall could be a wood studded wall, similar to what is in your home with studs 16" on center with one layer of 5/8" Type X gypsum board on either side of it. Type X is a fire-rated gypsum board. The thickness of the gypsum board, which is noncombustible, meets the fire rating. Now some of those walls, not all, may be structural walls as well where they are either bearing or they are a shear wall. Bearing wall is the wall that holds up the floor above. The shear wall is also a structural wall but it

is designed for lateral stability so it has a sheet of plywood on it so it has strength on a diagonal way. So many of those walls would have that in addition to it. A two-hour wall, like we have, could also be wood frame but most likely this wall will be a 2x6 wall because it is going to be a bearing wall and that wall, instead of having one layer of gypsum board on each side, probably will have two layers of gypsum board on each side. The thickness would be 2-1/2" of noncombustible material instead of 5/8". The walls will also be filled with insulation, which is noncombustible and contributes to the fire rating as well. It really has to do with the thickness and the materials it is built out of. This building will probably be built with 2x6s on the exterior since this building falls under the commercial code, rather than residential, and we would have to comply with any energy standards for the insulation.

Member Levine questioned if the exit doors out of the apartments are two-hour rated? Architect Jarmel stated they are 1-1/2 hour rated doors. Per the building code, you are allowed to reduce the rating on the doors when it is a rated opening. There is no logic. If you have a one-hour wall, you have a twenty minute door. If you have a two-hour wall, like the stair walls, you have a 1-1/2 hour door.

Member Ludwig questioned if the ceilings are one-hour rated between the dwelling units. Architect Jarmel stated "yes". The two-hour ratings are vertical separation and the one-hour ratings are horizontal in terms of the units. The two-hour separation goes through the ceiling, through the attic to the underside of the structure above. There is no need for any scuttle openings in the attic space since there will be no access for a person to get up there or use the space for storage.

Member Levine stated you mentioned the windows are sized so a person can get out, plus there are terraces there, but you mentioned that the fire truck can get around to rescue anyone trapped, but there is no access for a truck to get around the building.

Architect Jarmel stated you could also take a ladder around as well.

Attorney Lorber stated I believe the testimony from Engineer Keenan was that his conversation with the fire department was that the trucks would park down below and the ladder would come up.

Member Levine stated then they could only get one person out at a time on one balcony while the other people are waiting.

Chairman Dunning stated the building is almost 100' from Ringwood Avenue and there is no way you are putting a ladder truck there and reaching 100' to the third floor.

Engineer Keenan stated, as per my conversation with the Fire Chief, if he was going to fight the fire or take hoses up there, he would do it from the ladder truck down on Ringwood Avenue. If he had to rescue people, he would take "carried ladders" along that edge of the building, lay them up against the building so he could effectively have multiple people rescuing people from different units all at the same time.

Architect Jarmel, referring to the plan, any one of the side bedrooms have windows that face either to the front or rear of the building or to the side. There is multiple ways out of those units. Please keep in mind that the building is designed to withstand structurally a fire for some time. The idea of it is it stands long enough for people to get out safely. The minute there is a fire, or the minute a sprinkler head goes off or the fire alarm goes off,

everybody knows. Common sense is going to tell the person that they have to leave the building immediately. In most situations you will find that everyone is out of the building before the fire department even gets there. Granted there could be someone trapped, but the likelihood of somebody being trapped in multiple apartments during a fire is pretty unlikely.

Member Covelli stated to Architect Jarmel that this Board is very concerned about fire safety and life safety. You have gone over the fire ratings and what you have done, have you met the code or in any way have you exceeded the code? Have you done anything above and beyond where you believe it is important to do that or have we just met the code?

Architect Jarmel stated that his discussions with his client and his testimony tonight meet the code. We haven't discussed doing anything above and beyond because I believe, in my personal opinion, that the code is very good.

Member Covelli questioned do you think they believed that in Edgewater? We have mentioned this at all of our meetings.

Architect Jarmel stated I knew someone would bring this up and in my professional opinion that building did exactly what it was supposed to do in a fire. It stood up long enough for every single person in it to get out without getting hurt. Even though a lot of people may have been at work during that time, we can't hypothesize what would have happened if it happened at night, but I think the same thing would have happened. If anyone read the articles, we all know that was a fire accidentally set by plumbers. I think they may have been in an attic and they set a torch on fire and for all we know, they may have been working on the sprinkler system and broke it. I don't know what really happened, but in time, we will probably see reports on this fire. At the end of the day, I believe you will hear that the building did what it was supposed to do. It stood up long enough for people to get out safely and securely. The fire continued for maybe two days before it was gone and to the point where the fire department did a control burn so that they wouldn't get hurt.

Architect Jarmel continued to explain that fires happen and that steel will melt faster in a fire than wood will burn if it is not fire sprayed and it doesn't have to be in some construction. Also the Building Code, which has been tested and developed in the United States for many years and gets re-written every year and New Jersey re-adopt a new code every three to four years, is well written and well prepared and it is written about life safety.

Architect Jarmel stated that if the Board had a suggestion that made sense, I am sure my client would consider doing something above and beyond the building code.

Member Covelli, referring to the explanation of the difference between two hour and one hour, my first thought was why wouldn't you make the wall between the units two-hour rated, which would also give you additional width for noise so it becomes a quality of life issue every day. It wouldn't be that expensive.

Architect Jarmel stated it is not inexpensive and would add cost and at the end of the day, these are building code issues. These plans will ultimately be prepared, probably by my office, and be submitted to your Construction Code Official who is licensed by the DCA, or the State, and is going to be looked on by trained eyes that carry licenses and while it is

**being built; it is going to be inspected.**

**Member Covelli stated we understand all this, but the Construction Official cannot ask you to go beyond the code. For example, if you were to testify that the code requires us to use a one hour wall between those units, but we've taken it upon ourselves to request you put in two-hour rated walls, this would be the venue.**

**Attorney Lorber stated his client is not adverse to reasonable conditions for an approval. If that is a condition of approval, my client will have to live with it and construct it that way if you all feel that is necessary. I believe I have made this clear in the prior meetings.**

**Member Covelli stated we wanted to see how you would take that in the spirit of the concern that we expressed, so rather than us say it is a requirement, it would have been nice for you to say the code was one hour, but we chose to do two understanding your concern for safety.**

**Attorney Lorber apologized that he did not request Architect Jarmel to look for areas where they could go above and beyond and present them to the Board since he was out of the office for the past month for the passing of his mother. I spoke to Architect Jarmel this morning about the exhibits I wanted and I told him to take the plans that he had and present them and explain the fire code and how these plans met the fire code. What I am saying to you is that my client is willing to go above and beyond and I think I made that clear in the prior meetings.**

**Attorney Mondello agreed that you have made that crystal clear and stated that Member Covelli was not trying to impose any of these standards that would obviously only be the applicant's decision.**

**Attorney Lorber stated, quite frankly, I think it is a reasonable condition if you wanted two-hour rated walls where the one hour walls are shown. I think that is reasonable and if you want to make that a condition I certainly would have no objection and I am sure my client would not have an objection.**

**Member Covelli questioned if the attic space is required to be sprinklered?**

**Architect Jarmel stated "yes it would". Any concealed space is required to be sprinklered. It is not just the attic space, the space in between the ceiling and the floor above would be sprinklered as well.**

**Vice Chairman Grygus questioned is there no code that would require fire rating around those utility closets?**

**Architect Jarmel stated the code does not require it. Keep in mind that the equipment that goes in there; the furnace, the air conditioner, water heater; they are all designed and met a UL rating. The manufacturers have to design them and build them to a standard that is imposed on them as well by the building code and by the UL classifications. They will have celluloids that shut the gas valves if a pilot light goes out. You will notice that one of the things this building has, which I could say is an added life safety feature, is all of the mechanical rooms are on the exterior, which takes them away from the living space.**

**Vice Chairman Grygus referenced a letter from the Wanaque First Aid Squad who has presented a concern they have with regards to no elevators within the building. The Borough of Wanaque just spent \$105,000 installing power stretchers in the two ambulances just to mitigate risks involved with the volunteers and also the police department which**

often helps loading stretchers and try to reduce the potential for workers' compensation claims, which I know has happened before, with the understanding that one claim is going to exceed the cost of those stretchers. It is their concern, and mine also, which was brought up a couple of meetings ago, that we are creating a situation here with 24 units where they would have to carry the stretcher down stairs to get to the ground floor, which really poses a risk, not only to those first responders, but also to the patient that is on the stretcher. Attorney Lorber stated he only got the letter tonight and would like to defer this issue since we haven't been able to talk about it. Maybe talk about it if there is a break.

Chairman Dunning would like to add that we have a letter from our Building Inspector, who has now taken another job in another town, but this still holds true. If there is no elevator in the building, the entire first floor must be handicapped accessible. Is that building built that way?

Architect Jarmel stated the code requires that when you build a multi-family building, it doesn't require that any of the units be accessible, what it requires is that they be adaptable, which means that they can be easily converted to meet ADA guidelines and accessibility. Regardless of whether they are on the first floor, second floor or third floor, they have to be adaptable units. Someone not ambulatory came to live in this building you would have to make a first floor/ground floor apartment available for them because they cannot get up the stairs without an elevator. The unit, itself, needs to be adaptable. By law, it is the owner/landlord's responsibility to convert the unit. As the architect, I have design clearances, room sizes, bathroom sizes so that they meet all the clearance criteria. You also have to add blocking in the wall if you need to add a grab bar later. In a building like this every unit is designed to be adaptable, but they are not required by the building code to be accessible.

Attorney Lorber believes this was the testimony actually from the original architect at the very first meeting that there was one unit that was going to be built handicapped accessible and the rest of them on the first floor would be adaptable.

Chairman Dunning questioned how many units have to be in a 34 unit building?

Architect Jarmel stated the code is zero, unless it is financed by New Jersey HMFA or unless there is an affordable housing component where certain units are designated as COAH units, then a percentage of those have to be. 100% of the units have to be adaptable, which means that with limited renovations you can go in convert the apartment to be accessible.

Vice Chairman Grygus stated he believed at the last meeting it was agreed that two units would be handicapped accessible.

Attorney Lorber stated he did think we agreed to make two.

Vice Chairman Grygus, besides the First Aid Squad's concern about no elevator, what about marketability? I know I would never take a second or third floor living unit without an elevator, especially bringing groceries up three flights of stairs every day and what if you get a visitor who is wheelchair bound.

Attorney Lorber understands the arguments regarding the elevator.

Member Ludwig wanted to point out on Exhibit A-20, page A103, that there really are only 10 units on the third floor, not 12. The two end units are larger. The building has a total of 34 units.

**Planner Albert questioned, from an architectural standpoint, was there any thought given to having three separate buildings because 2/3's of these units have only one exposure and by having three separate buildings, every unit would then have two exposures? One of the purposes of planning that your Planner brought up was to provide adequate light and air. Architect Jarmel stated he didn't do the original design so I had no input on it. I believe it wasn't considered to separate them. With regard to light and air, apartment buildings are built like this all the time and even apartment buildings that have interior corridors are built like this and only typically have windows on one side of the unit.**

**Attorney Lorber also pointed out that it is going to be a whole lot easier for me to convince my client to put one elevator in this building, then three elevators in three separate buildings.**

**Planner Albert stated we will wait for that.**

**Chairman Dunning questioned how far do the footings have to go down for this building? Architect Jarmel stated the building code requires the frost line and in Northern New Jersey it is 36".**

**Chairman Dunning stated you are sitting on solid rock, are you going to have to blast?**

**Architect Jarmel stated he hasn't seen a soil report.**

**Engineer Keenan stated we have done some test pits in the area and, based upon where we are setting the elevation of the building, the existing grade and where we are seeing the rock, there may be a little bit of rock that needs to be removed. Mostly we will be able to set it right at grade because, where the building is going, there is a layer of soil on top of the rock and then you hit the additional rock in the back and we are going to try to minimize the amount we are going to have to remove there.**

**Chairman Dunning questioned Engineer Keenan when he looked at the site, did he walk the complete site and what did you notice to the southern western parts of this site? It has been artificially built up by burned logs and stumps and will you be removing it?**

**Engineer Keenan stated yes and it will have to be removed in the areas where we are putting parking lots and driveways. We also probably did eight to ten test pits in and around the property. A lot of that area is off to the side and outside of the area where we are developing and focusing our development. There are areas where it is clearly piled wood and debris. There are other areas where there is more buried stuff that we were more concerned about because it looks like soil but when we dug down we found logs. In those areas we would have to remove the material. Our focus initially when we were doing the tests was to get familiar with the site and we were really looking at it from a stormwater management standpoint and it gave us a basis to understand what the soil characteristics were so we could figure out how we were going to handle the stormwater on this property. Should this be approved, we would then be looking at another evaluation to really look at the structural foundations and how it will be constructed.**

**Member Henderson questioned if a report was submitted to the Board with regards to the borings and locations?**

**Engineer Keenan stated yes. In the stormwater management report there is a section in the appendix that showed the locations of the borings and the logs.**

**Member Henderson, regarding blasting, questioned if there is any type of monitoring as far**

as the level of vibration and how that will affect the neighboring properties?

Architect Jarmel stated I am not an expert, but on vibration monitoring, if you are blasting, it is covered in the building code so there are requirements to notify adjacent property owners and to schedule it, pre-blast surveys, etc.

Member Covelli, referring to the stormwater and the piping that was talked about, it would seem to me that the southwestern corner would serve, and I believe your testimony was there would be some storage over there for water, and with that said, you would be doing some excavation in that area.

Engineer Keenan stated “no”. We are putting in an underground system underneath the parking lot, not in the southwest corner. We had a discharge location that was coming down, but we took that out when we put in the playground. Actually, a lot of that is where the playground would be going so that would all have to be removed, and we would certainly not be building on top of that.

Chairman Dunning questioned, if you moved the building from the front to the back, would you still have to blast?

Engineer Keenan believes they would have to blast significantly more. Part of the problem, and I believe we talked about this already, is if we move the building to the back of the property, how we get the driveway up there to that location and part of what we are doing is utilizing the terrain and the topography of the land to take the driveway gently up to the back.

Vice Chairman Dunning stated in the original approvals in 1986 and 1990 the driveway was way back. Have you ever seen the old plans?

Engineer Keenan stated he saw a rough copy of them. That driveway is actually similar to where we have it and where we are coming in the back.

Vice Chairman Dunning stated it was set back further and the whole thing is twisted. It had three buildings on it, the parking was more in the center and everything was moved away from Ringwood Avenue. To me it appears the main rock is that mess you see broken off into Ringwood Avenue. It doesn't look like when you walk to the rear of the property where she goes up you have a lot of rock.

Engineer Keenan believes that whole face going back is rock as well.

Vice Chairman Grygus stated it doesn't look like it from walking the site.

Engineer Keenan stated underneath and I think the bulk of what is out there is rock.

Vice Chairman Grygus stated it actually looks like some soil had been taken away from there to try to regrade the site from the logging operation.

Member Covelli wants to know if it is your testimony that for example, because I do think this is the proper venue for you to at least commit that you would take those one-hour fire rated walls and make them two-hour rated.

Attorney Lorber stated he doesn't have a problem with that.

Member Covelli stated, with all due respect, I am also very involved in construction and it is very minimal to change this. You are buying a bunch of 2x6s just add it to the list and extra sheet rock.

Attorney Mondello, speaking to Member Covelli, stated that the applicant doesn't have to commit to that. We couldn't possibly require that. However, Attorney Lorber has said it six times that it seems to be a reasonable condition that his client would agree to.

Attorney Lorber agreed that it is reasonable. Again, I have no objection and if it is a condition my client will abide by it and I don't have a problem. I don't know if I could say it any other way.

Attorney Mondello stated you couldn't. Your client has voluntarily agreed to that type of condition because in your opinion and your client's opinion it is a reasonable condition as far as safety is concerned.

Break 1:14:10

Meeting called back to order 1:14:34

Does anyone in the public have any questions on the testimony of the Architect?

Attorney Mondello stated there will be a period later for comments, this time is for questions.

**Joe Lochli, 8 Tremont Terrace**

When it came to the sprinkler systems, is it only the hallways and the stairwells or is it actually in the apartments themselves?

Architect Jarmel stated it is the entire building; hallways, stairwells, apartments and concealed spaces above the ceiling, below the floors, in the attic.

Chairman Dunning questioned, in the utility room where the HVAC system is, that is sprinklered also?

Architect Jarmel stated "yes it is".

**Robert Anderson –Lives at 196 Meadowbrook Avenue/Owns 1025 Ringwood Avenue**

Why was wood frame chosen as the material to build this property because there was a gentleman at the last meeting who said that this building was the most dangerous building he has ever seen and wood frame was one of the things he had pointed out?

Architect Jarmel stated it is a cost effective, economical system that is fully approved by the building code used throughout the country that is why it was selected.

Mr. Anderson commented because it is cheap.

Architect Jarmel stated it is economical. I can show you buildings that I've designed with similar construction in South Orange that gets \$4,000 a month for an apartment, so I don't think it is cheap.

Mr. Anderson, in terms of the ability to fight the fire and access, regarding the ladder you said you would be able to fight the fire from the road, but how would they rescue people?

Engineer Keenan stated, based upon my conversation with the fire chief, he would have other fire trucks that he would expect to be up on the property and they would have ladders on them and they would be able to carry the ladders around to the back of building.

**Mr. Anderson questioned how would they get to the north side of the building?**

**Engineer Keenan stated they would drive up through the parking lot to the north side of the building and there we have a driveway/parking area where they could access it from there, or they could carry the ladders over.**

**Mr. Anderson questioned if that parking lot was full, would you be able to fit a fire truck in there and be able to maneuver around?**

**Engineer Keenan stated “yes”, and at the last meeting we showed fire truck movements in and around the parking lot and how they would access that.**

**Mr. Anderson questioned if there was a fire hydrant over there?**

**Engineer Keenan “yes there is and at the location requested by the fire chief”.**

**Fred DeBonis, 39 Carter Road**

**I am a little confused regarding the non-existent second means of egress. I am in the insurance business and I know I have a tough time insuring buildings that don't have two means of egress. Why wasn't a second means of egress incorporated into the building?**

**Architect Jarmel stated I didn't design this building, but I have designed buildings very similar to it. It is 100% allowed by code and it is built everywhere. I would think there would be no problem insuring it especially since it is a fully sprinklered building.**

**Mr. DeBonis questioned the Architect if he had a property casualty license for the State of New Jersey?**

**Architect Jarmel stated I do not, but I am licensed in 24 states as an architect.**

**Attorney Lorber objected to this comment/question and Attorney Mondello duly noted the objection.**

**Mr. DeBonis questioned why didn't you answer my first question about incorporating two means of egress into the building?**

**Member Covelli stated that was asked and answered.**

**Attorney Mondello stated the Architect indicated he did not design the building and that he has seen other buildings designed like this and he has designed buildings like this. That is the answer. It may not be the one you want, but that is the answer.**

**Attorney Lorber wanted to point out that this gentleman was not here when the architect that designed the building testified and so he did not ask those questions of the architect that designed the building. I would point out that the architect that designed the building answered the question exactly the same way as Architect Jarmel answered. The design architect concluded his testimony at the first meeting and Architect Jarmel is testifying as to fire safety, not about how the building was designed.**

**Attorney Mondello stated there will be a section for the public to comment, whether you like the application or don't like it. These are specific questions for the testimony that Architect Jarmel has presented to the board.**

**Member Ludwig stated that Architect Jarmel may be redesigning the building, and this is only a conceptual representation of the building.**

**No other questions for Architect Jarmel.**

**Attorney Lorber would like Engineer Keenan to come back and testify.**

### Engineer Keenan's Testimony

Engineer Keenan is still under oath.

Attorney Lorber stated one of the questions that arose during Architect Jarmel's testimony was whether or not the building could be moved in some way back towards the dark green area. Could you explain how the building was placed in its location as opposed to another location?

Engineer Keenan stated there are a number of factors that came into play with that. The driveway access into the site was a factor and the fact that we a big change in grade between Ringwood Avenue and the site itself. So we need a long driveway to get up into the site and that lead us to coming and accessing the site this way. We talked about the grades and we went with what we thought was a reasonable grade, something we were comfortable with, but not excessive, to get up as quick as we could. Then we have what is a reasonable sloped parking lot. What we have done is gotten us up as quick as we can to get up to the grades that are here, tying with the grades nicely so we don't have to go in there and remove a bunch of rock that we would prefer not to have to pull out.

Engineer Keenan referred to Exhibit A-11, which is revised exhibit with the additional parking on the northern end of the building and included the recreation area. I don't have the rendering with the grading on it, so I am going to reference Exhibit A-5, which is a copy of the grading plan submitted as part of the site plan application, that doesn't show the driveway and the additional parking on the northern end, but it gives you a little bit of an understanding of the grading that is out on the site and some of the grading challenges we have. Why we really went with this design came down to the way this dove-tailed in. We have a lot of challenges on the property and we talked pretty extensively about that with the grading and the slopes that really made it very difficult to go back and work in this back area because of all this steep terrain. This lead us to work in a somewhat irregularly triangular shaped area, where it is a little bit more narrow up at the northern end and a little wider at the southern end and we dove-tailed the parking to work with that.

When we look at locating the building to the rear of the property, to the west, away from Ringwood Avenue, there are a couple of problems that are created. One is that there is no ideal location to bring our driveway in. If we have our building located at the rear of the parking lot, and we move the parking lot over, we are not going to be able to get up into the parking lot quick enough to be at the grade we need to. We are going to be much too low. Then we are either going to have to drop the building or drop the whole site, which is not going to tie very well into the grades that we have on the property. The other problem that is going to happen is we are going to have to take this building and tie it right into the grades in the back of the lot and have to tie back into the slope. It is going to be a much lower building because I can't get the driveway up quick enough and then I am going to have to cut back into the slope and it is going to create a condition where all the people in the back of the units are all going to be looking at a hillside that just goes straight up. Even if we can go in there, we relocate the building in the back and we cut into these slopes, we are going to end up cutting significantly into this slope, but we are also going to create these units where people are just going to be looking into a wall, which is not the marketing we are looking for on this property. It really is not an ideal condition. Maybe the units

looking east will have a better view, but there will be a really poor view in the back. Again, this is where I expect once we get through the initial layer of soil, we will start seeing the rock and we will be cutting into all that rock in the back.

Attorney Lorber stated, besides that, if you put that building smack up against a wall, you are going to have problems with fire safety to the rear of the building as well, aren't you? Engineer Keenan stated "absolutely". We have good access from a fire standpoint; in the parking lot, having access off of Ringwood Avenue we have the ability to hose down the building from Ringwood Avenue if we are in the back here. We would be able to rescue people with the ladders, but not have the same access from a fire truck to be able to have the hoses in the rear of the building.

Member Ludwig questioned if the building could be shifted back towards the entrance from Ringwood Avenue, where the turn is, at the top of the turn here, and have parking on both sides of the building.

Engineer Keenan stated the problem that occurs there is to get around the building I would really have to take this drive aisle right back up and at that point, I am going to have this parking lot, which is going to be right around elevation 255, right next to our neighbor's garage and shed where he has an elevation of 278. At that point, we are talking about 20 to 30 feet of separation between those two grades.

Member Ludwig stated he has been reviewing this plan from the beginning from a snow plowing perspective. I have been in the snow plowing business for many years and I can't see anybody pushing these snow piles where you've got them drawn. It looks like to me where you are putting the snow is going to have a melt problem coming across the parking lot. Right now I see this as a nightmare.

Engineer Keenan stated moving the building back is not going to improve my plow situation. I believe we have addressed this issue by adding 16 additional parking stalls on the property, understanding that we are going to lose some parking and our snow plow is not going to necessarily move them into these locations, but at that point we can lose the parking and can have the piles of snow and still have enough access parking.

Engineer Keenan continued that this is a location if we pull this building over, and I have to get a drive aisle around the back, I am going to be taking that drive aisle right up to the corner and edge of the property and that is where I am going to have anywhere between 20 and 30 foot separation between there. That is where it really creates my challenges. If we have to level out some areas and there is some location that the Board feels would help the project, we are not opposed, but by moving this and adding parking up in the northern end, we definitely have to go through and do some more work there. We are not shying away from that by any means, but when I am looking at relocating this building and having it really function from a site standpoint and a project standpoint, I have trouble trying to figure out how to make it work.

Member Covelli has a disconnect of the property from Engineer Keenan's description of and the fact that I spent over an hour on this property. To the rear of this property, or to the western part of it, it levels out other than we just spoke about the stumps and the unstable material that is there. The property levels out and it is not far from grade to the dirt road that is in the back there by Rainbow Lake.

**Engineer Keenan questioned where does it level out?**

**Member Covelli stated I am trying to think about the length of this building and how you are saying that you are portraying that piece of the property as undevelopable to the process. The southwesterly corner. Yet, the rock is where you want to put the building and that is the more challenging part because you are talking about blasting. You are talking about a building that has a six foot buffer and you are going to have to put a fence and hope somebody, including a child, doesn't go over there because they are not stopping until they land smack on Ringwood Avenue.**

**Attorney Lorber questioned what is the grade from where you have that green outline? Engineer Keenan stated it is all 2 to 1 and above. There are areas of 1 to 1 slope. I am curious as to when you were looking at a level area, if you were on this property? Right down here is the substation.**

**Chairman Dunning stated forget that. On your property, the proposed driveway comes up like this, now just go to the left of that, that property is level and has been built up with stumps. All the way back to the property line.**

**Engineer Keenan asked that has been built up with stumps?**

**Chairman Dunning "yes". I have been there four times and was there this afternoon.**

**Engineer Keenan pointed out the contours that were shot based upon a aerial topographic survey performed by our surveyors about 2 years ago and they are indicating an approximate 1 to 1 grade; 1 horizontal and 1 vertical.**

**Chairman Dunning stated it is going down, not up. Where the substation is, there is a piece of property between that and your property line. Your property there has been regraded by the "stump man" and if you come up there is some barbwire and an existing driveway, that property doesn't look as steep as your contour lines show.**

**Engineer Keenan stated that stump man may not have been on his property.**

**Chairman Dunning and Member Covelli leave the dais and using Exhibit A-5 Grading Plan tried to show and explain to Engineer Keenan the areas they are referring to.**

**Discussions ensued.**

**Engineer Keenan stated that if he could figure out a way to move the building back and I thought it would work, I would be on board.**

**Vice Chairman Grygus what happens if for some reason you couldn't put the building where it is? Would you walk away from the project or would you then cut into the slopes?**

**Engineer Keenan stated that is a major unknown and would have to depend on the conditions and what we were observing and what we found. I don't see what the case would be based upon what we know about the site to warrant saying we could not put it there, but it is very possible. If it were a matter of saying this just won't support it, I don't see that we could support it back on the property either.**

**Vice Chairman Grygus asked how did the other approval make it work and they were back in those slopes?**

**Engineer Keenan stated it was a very different product, and yes they had significant cuts in the slopes.**

**Attorney Lorber stated I think his testimony was that you don't want people looking at a wall, I don't know if the other people had that concern. I know that when we initially spoke about this project, Engineer Keenan put the building all over the place trying to figure out where we could put it.**

**Member Ludwig stated so it is for aesthetics for the people that are living in the dwelling units versus the rest of residents in town looking at this building.**

**Attorney Lorber stated that is a really good question, and I'm not sure, but there has been no testimony that aesthetically it is not going to look correct or pleasing from Ringwood Avenue. I don't live in Wanaque, but have driven Ringwood Avenue at least three occasions to come here and driven it many times to visit the site. The shopping center just below it, whether it is aesthetically pleasing or not, is one massive building.**

**Vice Chairman Grygus stated that building is back off the main road and doesn't sit up.**

**Attorney Lorber stated when you are driving on road level, I don't know that you are going to be looking up at this building, you are going to be looking at the road. Again, this is another issue. I do think that if there are some concerns, there could be landscaping around the building that would make it better looking.**

**Member Ludwig stated you are kind of limited on that because you can't put too big of trees between the building and the cliff because you need a fence and a bigger tree makes it wider on the bottom and you need that space to get a ladder up by the fire department.**

**Attorney Lorber believes the real view that you are concerned about is going north and it is probably the more southerly area of the project and if you look at the plan that is marked Exhibit A-8, you can put landscaping in that area that I think that might alleviate some of the concern that you have. When you are talking about the long side, you do have the landscape on Ringwood Avenue and that is going to be repaired. It has been testified that they are going to take the dead stuff out and put in new plantings.**

**Chairman Dunning with regard to the stormwater retention basin that you are going to build under the parking lot, don't you have to blast to get that in there?**

**Engineer Keenan stated "no" and that is one of the things we talked a little bit about. We found that there is a lot of debris left over that is good solid material and that goes down 12'. In the area of the building, that is where we go down 3' or 4' and we found bedrock, which actually ties in nicely to where we are putting the building. If we did take the basin and move it and flop it with the building, I think we would have a problem. There we would have to go through and blast, but I am hopeful that we won't have to do any blasting, but this seems to tie in quite nicely; the proposed grade with the elevation of the rock that is out there.**

**Chairman Dunning stated a lot of what bothers me is the view from Ringwood Avenue.**

**Attorney Mondello, quoting from the Applicant's Planner because I asked that specific question: "If the visual aspects from Ringwood Avenue are a negative", Planner Hartmann stated: "I don't believe it is because your ordinance very specifically allows 35' and it doesn't say where it needs to be located. You have a minimum front yard setback in both the Business District and Residential District and this far exceeds that. It allows 35' high building and this building is slightly under. It is what has been represented as approvable and acceptable in your ordinance."**

Vice Chairman Grygus respectfully disagrees in that I believe the Ordinance is of the assumption that the 35' is going to be at street level.

Engineer Nash stated the grand level is 51'.

Vice Chairman Grygus stated, in essence, the building is 85' tall from Ringwood Avenue.

Member Covelli stated there is another component that concerns us and that you spent a lot of focus on the driveway coming off Ringwood Avenue and we had the Traffic Expert testimony. Yet again, when you visit that site, and you go to the back where it was slightly sloping down towards the dirt, there is a pipe/aqueduct for the reservoir, and then there is a dirt road and if there was a way to get to that and use that as an access point, we would be putting traffic from this site onto Doty Road for people to either decide to go down Greenwood Avenue or Doty Road using a controlled signal to cross, as opposed to bringing all this traffic down the existing driveway with our concerns about left-hand turns and all the traffic on Ringwood Avenue. There is also a restriction at the Town Center not to make a left-hand turn into it coming north. By doing this, you would be getting the traffic off of an already crowded road.

Member Levine added, in addition to the sloping, in a slippery condition with cars coming down onto Ringwood Avenue not being able to stop.

Engineer Keenan doesn't want to step on the Traffic Engineer's toes where there was a lot of testimony given about the suitability of this entrance. If I do bring it back, the problem would be I don't have any access to this existing dirt road back here. I have properties between here and there that we don't own and don't have rights to.

Attorney Lorber stated these properties are not part of what we are purchasing and not for sale.

Member Covelli stated that one of the properties is JCP&L and the other is the Water District. Have you talked about it crossing?

Attorney Lorber stated to answer your questions our Traffic Expert testified that this was an appropriate access to the property, the County has approved it and we don't know if can get access to the other properties since it has not been explored but there is no for sale sign on it so we don't know that it's for sale. I am still not sure, after listening to testimony, that we can get to that back area but, assuming you can, it is not something that was investigated. We have a contract for this particular piece of property and we are trying to develop it.

Member Covelli questioned, since we do advertise that we have a site meeting the Saturday before the hearing date, would it be appropriate for us to have a meeting at the site? The site certainly brings interesting challenges to the equation and we all have our recollections of what we have seen there.

Attorney Mondello stated that, if a majority or more of the Board Members show up at that location and discuss the issue, it would need to be advertised as it would be an open public meeting, and somebody would need to take notes. If one or two Board Members decided to meet with the applicant, that is a different story.

Attorney Lorber has no objection to this request and if it would clarify some issues it probably is a good idea. The only problem I have is that, this is our third meeting, my client is under contract to purchase this property and the contract has certain deadlines in

it and we are running right up against them (March 1<sup>st</sup>). If we can do this quickly, I don't think it is a bad idea.

Member Covelli stated our next meeting is February 3<sup>rd</sup> and the site visit would be on Saturday, January 30<sup>th</sup>.

Member Levine is questioning what is going to be accomplished in the design of the building and location if we all go out to the site?

Attorney Lorber stated that when you actually look at the site, you may realize that this is the only place that the building can be. I would point out that the other developments never got built so maybe they realized that their ideas were no good.

Attorney Mondello stated that if the Board wants to meet at the location, I have some procedural concerns because Minutes need to be taken, they have to be published and I don't know if the Board is equipped to do that.

Attorney Lorber stated that at a work meeting there is no testimony. Am I correct?

Attorney Mondello stated there are going to be some conversations and all of us are going to want to hear it. Zoning Boards don't have work sessions; Planning Boards do. If a majority or more show up at the same time, the public needs to know what is going on. You also may decide among yourselves that maybe just three members want to show up (less than a quorum), perhaps the most vocal members who have the most questions and concerns, and this would not be an issue with respect to Minutes.

Attorney Lorber stated they will do whatever the Board wants.

Attorney Lorber advised that we can do an elevator in one building. I did promise to get back to this issue. I spoke to Architect Jarmel and he can design it.

Architect Jarmel stated we can add an elevator to the building. As I testified earlier, we have three buildings, but we don't want to put three elevators in since it would be very, very expensive. We would go back to make this what is called a "corridor building". We would have a ground floor lobby and each floor of the building would have a central corridor and at the end of the interior corridor, somewhere strategically located, would be two fire stairs as opposed to the three since we would only need the two. We could certainly re-design the interior of the building to accomplish that.

Engineer Nash questioned how does the elevator affect the building height?

Architect Jarmel stated it shouldn't affect it at all. The elevator will have an override, but we have an attic space that we can override into.

Member Levine stated the elevator will have no impact on the fire safety; it will have an impact on getting people down who have to go on a stretcher. In a fire, you don't take the elevator anyway.

Architect Jarmel stated "that is correct". If the building's fire alarm goes off, the elevator goes to the first floor and shuts off.

Vice Chairman Grygus stated you are still going to have to meet that 125' criteria.

Architect Jarmel stated you do, and it may go up to 150' but I don't know offhand. You still have a common path of travel criteria, but I am not sure if it is 125' or 150'. Once you have two means of egress, two internal stairs, some of the items I discussed tonight are not necessary like the egress windows, but you still need a sprinkler system.

Member Covelli questioned if we heard landscaping testimony for this project?

Engineer Keenan stated a landscaping plan was submitted and shown.

**Chairman Dunning confirmed it is in the package.**

**Planner Albert believes revisions need to be made to it. You have promised in prior meetings to have 15' swath on the rear of the building and also you made comments tonight and heard comments about view lines coming up from south to north. Quite frankly, your landscaping contains a lot of deciduous trees and I think you might want to take a look at that. You have a large area and you could screen that building and that was one of the concerns of a number of the members. The bottom line is I think you may want to submit a revised landscape plan and should be able to with the February 3<sup>rd</sup> meeting.**

**Attorney Lorber stated we can do that, especially if the site meeting is taking place.**

**Member Covelli is concerned that we don't know what you are doing and planting.**

**Member Levine stated if you put trees or bushes or whatever on the eastern side of the building by Ringwood Avenue, you are cutting down your 15' for the firemen and ladders to get in there so you really have to be careful of what you put in there.**

**Engineer Keenan, referring to Sheet 6 of 16 of the submitted Site Plan set, shows you the planting scheme. We are going to clean up the slope along Ringwood Avenue, down at the bottom we are going to have to clear out the grading and our intention is to plant grass. Discussions were held about location, types of plantings, screening of building, etc.**

**Vice Chairman Grygus questioned the Chairman if we should open the meeting to the public for comments?**

**Chairman Dunning stated at this point we would open it up for questions to the Engineer. Since we are technically not done with the application to finalize it with the public's statements and comments on it, we are not to that position yet. That will carry to the next meeting when Attorney Lorber is done with all his expert testimony.**

**Discussions were held regarding the site visit and how many members were going to attend. Attorney Mondello advised the public that the site visit will be held at 1049 Ringwood Avenue, Haskell, on Saturday, January 30, 2016, at 10am, and you are welcome to attend the meeting. The meeting will either have to be recorded and/or someone take notes since all Board Members plan on attending. Engineer Keenan agreed to put stakes in the ground to show the location of the building so the Board can get a better feel for the project.**

**Attorney Mondello asked if there were any other questions on testimony the public heard from Engineer Keenan or Architect Jarmel.**

**Joe Lochli, 8 Tremont Terrace**

**Question for Engineer Keenan:**

**I heard a lot of discussions about grading and our town has worked very diligently on trying to correct the flooding on Ringwood Avenue and it seems that we are doing this grading, are you going to grade it in such a way that it will help improve what is happening? Since right now the land is not developed, that means it has high saturation point and sucks up a lot of water. By doing this development, I believe it is going to actually increase our flooding problems instead of decreasing it.**

Attorney Lorber injected that he would like to put one thing on the record. A lot of the people here were not here at the other meetings and this question, for example, rehashes something that we really went over a lot at another meeting. I don't have a problem with Engineer Keenan answering it, but at some point in time, this is going to get strung out way too long and then I will really have to object.

Vice Chairman Grygus believes it is a simple answer that both the County and State have criteria for zero runoff.

Attorney Mondello commented that I have represented many, many Boards and I have never seen a secretary take Minutes the way our secretary does. This is verbatim so you can avail yourself of these Minutes on line and you will know as much as you need to know.

Engineer Keenan stated we know this would be a concern for this project and have put a very large underground detention system, which is basically going to store the water, hold it back and slowly release it. What we have done is significantly reduced the rate of runoff from what is occurring today, below what is required by standards. We are going to meet the standard, but based upon the calculations that we have provided, we are actually significantly exceeding the standard.

**THE SITE MEETING IS AT 10AM ON SATURDAY, JANUARY 30, 2016 AT 1049 RINGWOOD AVENUE, HASKELL, NJ.**

**MOTION TO CARRY APPLICATION TO FEBRUARY 3, 2016, WITH THE UNDERSTANDING THAT THERE WILL BE A SITE VISIT ON JANUARY 30, 2016 AT 10AM AND THE APPLICANT WILL AGREE TO ANY EXTENSIONS THAT ARE REQUIRED:** made by Member Covelli, seconded by Member Ludwig. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Ludwig, Levine, Henderson and Karp. **Motion Carried.**

Engineer Nash advised the public that the Borough has a Stormwater Management Ordinance and this project is required to decrease the rate of runoff from what exists now. The applicant submitted a report that is quite voluminous and has to be revised because they made some revisions, but my office is reviewing, on behalf of the Borough, their calculations to ensure that they are compliant with the Borough's Ordinance.

Recess 2:17:34

Reconvened 2:18:25

Let the record show that, other than Member Ludwig, everyone else is present that was present before the recess.

**PUBLIC DISCUSSION:** Let the record show there was no one to come forward.

**RESOLUTIONS: None**

**CORRESPONDENCE: None**

**VOUCHERS: submitted by Planner Kenneth Albert on the 1049 Ringwood Avenue LLC Application in the amount of \$697.50.**

**MOTION TO APPROVE: made by Member Covelli, seconded by Member Levine. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Levine, Henderson and Karp.**

**VOUCHERS: Two Vouchers submitted by Boswell Engineering on the 1049 Ringwood Avenue LLC Application in the amounts of \$475 and \$475; for a total of \$ 950.**

**MOTION TO APPROVE: made by Member Covelli, seconded by Vice Chairman Grygus. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Levine, Henderson and Karp.**

**MOTION TO APPROVE NOVEMBER 6, 2015 MINUTES: made by Member Covelli, seconded by Vice Chairman Grygus. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Levine, Henderson and Karp.**

**ENGINEER'S REPORT: Nothing to report.**

**DISCUSSION: Vice Chairman Grygus wanted to make the Board aware that Mr. Brusco has moved on from the Borough to take another position so we currently do not have a Building Inspector.**

Vice Chairman Grygus also wants the Minutes to reflect the scheduled site meeting on January 30<sup>th</sup> and that Board is requesting the Board Secretary attend the meeting.

The Board Secretary advised the Board that she will be away the first week in October and will not be here for the October 5<sup>th</sup> meeting.

**MOTION TO ADJOURN: at 10:55 P.M. made by Member Levine. Motion carried by a voice vote.**

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