

REGULAR MEETING

Salute to Flag: 7:12PM

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 June 10, 2024 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 in the Borough

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

ABSENT: Vice Chairman Bruce Grygus

Application ZBA2024-02 - Labouseur, Bruce & Kim - 16 Bergen Avenue, Haskell

Attorney Mondello: I've had an opportunity to review the Notice to the residents within 200' and the Notice that went to the newspaper and they are all in order. Jurisdiction is vested in the Zoning Board. Who is going to be testifying this evening?

Attorney Mondello swore in Applicant, Bruce Labouseur, 16 Bergen Avenue, Haskell, NJ

Attorney Mondello: Please tell the Board what you want to do and why you want to do it?

Applicant: I am looking to put a three season room on the back of the house enclosing my deck in basically so I can enjoy the deck more often. We don't get to enjoy it that much because of the weather, bugs and mosquitos and everything. We are looking to put some windows in, a door and a wall.

Attorney Mondello: Do understand what variance you are here for?

Applicant: They said I am 3' off the property line, I believe. The house has been there longer than me.

Chairman: You have submitted us with a site plan and some renderings/pictures of his deck, what it looks like now, details of the window sizes, etc. If the Board Members look at this pictures, it basically describes the deck pretty good. It's 18' in length. You're 38' from the rear yard. We're going to go over the Engineer's Letter. Do you have a copy?

Applicant: Yes I do.

Chairman: He has looked at this. It is an R-10 Zone. You have a swimming pool, which is not on the plan, but doesn't matter. The basic thing is, if you look at his zoning table we'll call it, lot area required is 10' and you have 5' so that requires a variance; lot width

requirement is 80' and 50' is existing.; lot depth is 120' requirement and you have 100'; front yard is 30' required and you have 30'; side yard is 15' and you have 4' on one side for 16' total. You said you were 3' short on the side yard.

Applicant: Right, I presumed that's what they told me originally from the Zoning Officer, I believe.

Chairman: The house is 4' off the side yard. Your deck isn't all the way to the end of the side of the house.

Applicant: No, it is not all the way to the end of it. It's about 4' in.

Chairman: It looks like there is about 8' of space.

Applicant: The deck is 4' in from the side of the house.

Chairman: There is no requirement there. The building coverage requires 25% and you are proposing 18% with this addition, which requires a variance. Everything else is in compliance with the Zoning Codes. It's just a matter of the basic requirements are pretty simple because your lot is what it is and you are working within what your land is. I was at your house a couple of days ago to look at this. I don't see anything that is a problem for this. You have contractor that is going to be built it?

Applicant: Yes.

Chairman: He has to apply to the town for a permit once we vote on this, if we approve it. I don't see too much else that we need to discuss.

Chairman: Does any of the other Members have any questions?

Member Covelli: As I am reading this, you are not changing the footprint other than to bring it out to the rear a little bit further.

Applicant: I am not changing anything on anything. All I am doing is putting in six windows, a foot long wall and a door.

Member Covelli: I know but the rear yard the zone is 40' and it's currently 47' and the proposed is 38'.

Engineer Diaz: Its because they don't have the deck for the yard but now since they are going to enclose it. It's still the same footprint.

Applicant: The structure is there. All I'm doing is putting in windows, a door and a wall.

Member Covelli: Do you know why you are here? Because most people don't know what we do.

Applicant: I'll be honest with you, I don't.

Member Covelli: There are a set of land use requirements and you are here because you are asking for a waiver to them and you are saying to us, we have specifics reasons why we can't follow the rules, so will you grant us a waiver, a variance. That's why you are here and so you have a better idea of who we are. We all live in town and are your neighbors. Mr. Chairman I think it's wonderful what they want to do. I think it's fantastic and I wish them the best, God Bless and enjoy your yard and house.

Applicant: Appreciate it.

Chairman: Members any other questions?

Chairman: Engineer Diaz do you have any questions? Do you agree with what Chris put in his report?

Engineer Diaz: Yes, but I would like to put on the record that it is only a 2' variance from the required 40' rear yard.

Chairman: Ron, do you have any questions?

Attorney Mondello: No, except any members of the public have any questions on the testimony the witness has provided or any comments? Hearing none, seeing none, back to you Mr. Chairman.

Chairman: Anyone like to make Motion?

Member Covelli: I would like to make a Motion to Approve Labouseur Application ZBA2024-02 noting the variance listed on Page 2 of Engineer Nash's Report. Seconded by Member Sbarra.

MOTION TO APPROVE APPLICATION ZBA2024-02: made by Member Covelli, seconded by Member Sbarra. Voting yes were Chairman Dunning, Members Covelli, Lynch, Ludwig, Aumenta, Sbarra, Farinella and Bonner

Application ZBA2024-01 – 530 Ringwood Realty, Inc. – 530 Ringwood Avenue, Wanaque

John Barbarula, Esq., Attorney for the Applicant, stated we had our Planner, our Engineer, a Real Estate Person as well as the Owner testify, and a number of the people on the Board brought up a good point about this is a main corridor of the Borough and the facade hasn't been changed since it was, I think, the post office back in the dark ages, so we took that to heart and we have modified it so that we put the ramp in the back, without adversely affecting the parking, and we significantly changed what the building will look like. Tonight, I have Tyler VanderValk, who is our Engineer, just to go over the change with the handicap ramp, and I have the Designer from James Cutillo's office, Daniel Intveld. I don't have Jim because he had another meeting at another part of the State, but the Designer can answer any questions you have with material, etc., and we will introduce him. With your permission Mr. Chairman I'll call Tyler and he was previously sworn.

Member Covelli: Counselor, if I may, nicely done.

Engineer: Again, basically what was done since the last meeting was we had the ramp in the front, and there were some comments about how does that really look having a ramp on the street, so we took that to heart and we moved it to the back to the building. Now, where we previously had a ramp, I'm going to say encroaching on the sidewalk, even though it is on our property and not in the right-of-way, that has been removed so we are all flush straight across the existing building face. We moved that ramp to the back. We did end up having to slide the parking about a foot or so but we are still entirely within our property in the back. So we had that little extra space to slide the striping. We didn't reduce the size of the spaces we talked about last time. We just slid them further to the east so that we had the room for the ramp. That's pretty much what I have for tonight.

Attorney: We'll submit him to the Board for any questions.

Member Sbarra: The one question I have, and if I'm not mistake and I just remember from the site visit, you guys have a basement, a set of basement stairs, kind of where you are putting the ramp, what is your plan for that?

Engineer: Yes, as indicated on the plan here, the Architect has provided for attached doors basically in that ramp that you can open up in order to get into the basement space.

Chairman: What's in the basement?

Engineer: Some utilities. It is not for daily use, certainly.

Chairman: Is there a partial basement?

Engineer: I'd have to defer to the Applicant.

Attorney: John, come up here and you were sworn in.

Applicant: Yes, there are three water heaters, the gas meters, one water meter and also three furnaces are down there.

Chairman: You have meters down there. Does the meter reader have to enter that basement?

Member Covelli: They're remote Mr. Chairman.

Applicant: They are remote now, correct.

Member Ludwig: Do you allow the people living there to store stuff in the basement?

Applicant: No. There will be no storage.

Chairman: You have a deck, you are going to have to pick up these doors, and then get to the bilco door which is on an angle.

Applicant: Correct.

Chairman: Is there enough room with the way that is laid out for that?

Applicant: There should be.

Chairman: You don't want a meter reader falling down those stairs and suing you.

Member Ludwig: Not an issue if the meters are outside.

Chairman: That's probably the best thing to do is move the meters outside. They are coming out with a new electric meter. I just got a letter from Jersey Central. Now that may be readable somewhere away from the meter. I believe our water company has switched most of the meters to that.

Applicant: I believe, I just can't remember, the JCP&L electric meters are on the outside of the building on the back where you enter. But the gas meters from PSE&G are in the basement. They are remote now too.

Attorney: The Designer can answer this for you. Mr. Cutillo worked on it to make sure it is doable. In order to answer that question, the Designer can answer the access to basement.

Applicant: There is going to be enough access to safely enter the space. 100%.

Chairman: The parking area is my only concern. Your last testimony was 8 garbage cans against the back fence. It's not shown on the plans.

Applicant: I did propose to have the garbage cans in this aisle between the two buildings because it's a shared space between the adjacent dwelling and my dwelling. They are currently from that dwelling garbage that we can store in between the buildings.

Chairman: How do the tenants get there? They have to come out of the front of the building to get the garbage and recycle cans.

Applicant: Yes, from the front. Three of the units are accessed from the front as well. The only unit is the second floor in the back.

Chairman: I understand moving the ramp getting it from out of the front of the building was smart for the Designer to do. The question is, I don't see where "your garbage" makes sense on that side of the building. It was better in the back because this way they could come out and put the cans on Furnace instead of Ringwood, which is a nightmare when they are picking up garbage.

Applicant: I mean we could put them in front as well. We have either option.

Chairman: Garbage and recycle days Ringwood Avenue is a buster with the garbage trucks. If they are on Furnace Avenue they are not blocking Ringwood Avenue.

Engineer: I think there is still room we can talk about along the fence.

Chairman: We accepted that last time so it's not something we need to change at this point.

Applicant: No problem.

Chairman: The parking area still bothers me. I know that 9x18 is the State standard. We would love to have the 10x20s so I could come in with my F150 but it's not going to fit.

Applicant: It's easier for me. I have a 2500.

Chairman: When you come there to work on your building, where do you park?

Applicant: On the street. Most of my tenants work during the day so I come during the day and they working.

Chairman: That is the only issue I have with this. The parking, the traffic pattern there is very difficult. We understand your building is over 90 years old so there isn't too much we can do with

it. It is what it is. You are going to clean it up and put a nice new building on Ringwood Avenue. Hopefully, the neighbor next door does the same thing.

Member Ludwig: With the traffic on that road, I was there when it wasn't school time getting out and that's the only time it's going to be difficult.

Chairman: When school gets out, its going to be a nightmare. The traffic ladies at both schools have been there for a long time and I think they look to mess the traffic up.

Attorney: I learned you don't leave that building until after 4pm.

Chairman: There is nothing we can do with Ringwood Avenue.

Attorney: We have complied with everything you have asked us to do and as you said, that's all the land we have to work with. If you want to wait to open it up to the public, I'll call the Designer to answer your questions.

Attorney Mondello swore in Dan Intveld, office address is 593 Newark Pompton Turnpike, Pompton Plains, NJ.

Attorney: You work for James Cutillo.

Designer: Yes, and I work for James Cutillo for the last nine (9) years.

Attorney: And you signed and sealed the drawings?

Designer: Yes sir.

Attorney: And you were the designer that helped us come up this transformation of a commercial building with a residential look.

Designer: That is correct.

Attorney: Let's start with the question the Chairman asked about the access to the basement. Did you work on that and is it adequate?

Designer: We did take this into consideration and what we came up with was just to put a simple hatch in the floor, actually removing the bilco doors and we are just going to have a hinged hatch with a ladder that will get us down to the basement to get access in place of the bilco doors.

Chairman: Are you going to put a ladder there instead of steps?

Designer: Yes, it is going to be a straight drop down so envision a scuttle hole in a roof where there is a ladder on the wall, they climb up and the open it and it's on a nice hinge. Again, we were very restrictive with the room that we could use. There are electrical meters in the back. In your packages, if you see the photos of the rear elevation, if you look real close you will see there are electrical meters there so we couldn't touch that. We were very restricted on where we could put this. John, there isn't an entire basement under the building?

Applicant: No, it's not the entire building.

Designer: We were limited to where we could even have the access to come down where there was a full basement. Some of it is crawl space.

Applicant: Correct, so this middle portion is basically the access to the basement. The left side of the building and the right side of the building its crawl space.

Chairman: So it's a partial basement.

Applicant: Right.

Member Aumenta: Does that hatch lock?

Applicant: It does.

Chairman: The interior is what you are proposing in this drawing. The only question that arose was Unit #4 is 725 square feet and it doesn't match the exact square footage that you needed for the apartment. But again, this is the way it was built so there is nothing you can do with that. The front now, you are just going to build a new porch and the ramp has been removed to the rear.

Designer: That is correct. We are actually pushing it in a little bit and creating a nice little nook area there so that makes the elevation a little bit more interesting instead of being a flat elevation all the way across.

Member Ludwig: You got sat out there on a chair.

Designer: Yeah, you are waiting for your ride, your Amazon package comes and its out of the weather. It just adds a little interest to that elevation.

Chairman: It's going to look a lot better than it does now. That's the main concern on Ringwood Avenue.

Designer: Yes it does.

Chairman: The upper part in the rear, right now that's pretty wide open.

Designer: On the second level, yes. Again, if you look in your package, this area is pretty much going to stay the same. It is going to be left open. There are little porches out there.

Chairman: You have the green section. What is that going to be – siding, painted?

Designer: That's going to be an Azek board and batten siding. A lot of times we just like to decorate the gable ends just so we are not looking at boring, horizontal siding all the way. This Azek material doesn't need painting, it doesn't rot so it's going to be maintenance free for John for the life of the building. It also adds a little interest to it with the vertical batten boards.

Member Sbarra: What is that wood looking material? Is that actually wood?

Designer: It's a good question for John. We were talking about that today. We are going call it out as a wood vertical siding whether it's a tongue-and-groove. We would have the opportunity to put a clear coat on it or even stain it at some time if it started show any kind of weathering. Basically the materials are the Azek for the gable and the horizontal vinyl siding mixed in with the cultured stone underneath and then the vertical wood siding just for accent on each side of the doors.

Chairman: What about lighting on the back? You've got the door in the back. Is there any light over that door?

Designer: By code, you have to a light by all exterior doors. In a situation like this, what we would probably do is we could have an individual light, but it is kid of nicer to light underneath with a recessed LED light underneath the areas there.

Chairman: I meant the door?

Designer: Yes, there has to be a light there.

Member Covelli: What does that door go to?

Applicant: That's the second floor unit. That's existing.

Member Covelli: Would you consider adding a shed roof to that to protect those stairs and a door sitting on the back of a building is very commercial looking and I think it would soften.

Applicant: I'm not opposed to it.

Designer: It's an easy fix.

Member Covelli: I am only asking. I can't make you do it. It doesn't impact my vote. That faces the closest part of Furnace Avenue.

Attorney: I would have to ask your Engineer if that would create another variance?

Engineer Diaz: It would depend on what you propose, but I don't think so, not an awning.

Attorney: It would just go over the steps so I don't think it would cause any variance, right?

Engineer Diaz: I don't think so.

Applicant: I don't think so as long as there are no columns.

Designer: A very simple solution to it. We put a shed roof here, we eliminate the columns, and since we already have angle brackets here, we could just support that roof with a couple of angles on either side.

Member Covelli: You put the LEDs underneath, you have the stairs lit and you're good to go.

Member Lynch: That would be nice.

Member Ludwig: It would like nicer.

Member Covelli: There is one other thing that I would ask of the Applicant, but this is actually my colleague that brought it up so she deserves all the credit, you are proposing an absolutely beautiful looking building. Do you see the alley between you and the neighbor? You are showing us a picture of it. I don't know where your property ends. Is it the building or do you own a piece of that alley?

Applicant: It is about 2' off the building that I own so it's a shared alley.

Member Covelli: Well, particularly if there are people in the audience that are planning on coming to us, if the two of you could figure out how to put a fence and a gate there, a solid wood so that you can keep your cans back there and we don't see what we see right now, because that's horrifying.

Applicant: It is and most of it was the previous owner.

Member Covelli: The accountant threw all the garbage in this alley?

Attorney: No. We don't want to put anything on the record, but there were other people in the other building. I don't want to talk about anybody.

Member Covelli: If you and your neighbor could put a fence there and work on agreeing to that.

Attorney: I can represent to the Board I represent that property owner and we are coming before the Board with an application and there Engineer is here on that application, so we can work out something I'm sure with that. I see that their heads are going in the right up and down direction.

Chairman: A simple solution to that is we put a mini solid fence from building to building to hide that whole mess in there.

Member Covelli: Two posts and a gate because you want to be able to open it to bring your cans out.

Member Ludwig: You are going to redo the building so do something to clean it up.

Attorney: We can work something in the next application. We don't need it here. We'll address it then.

Member Sbarra: I don't recall if we addressed this in the last meeting or not, I know in Engineer Nash's Review Letter he had a question in there about lighting of the parking lot.

Engineer: I think we talked about it. There is an existing fixture higher up on the building which lights the parking lot currently. We weren't planning on changing that.

Member Sbarra: And that's going to stay?

Engineer: Right.

Member Covelli: Is that on a motion?

Applicant: I don't know honestly.

Engineer: Would you like it to be?

Member Covelli: Is it necessary for it to stay on all night?

Chairman: It would make more sense on both sides of the parking lot put a couple small LEDs up. Your parking lot is very compact.

Engineer: The problem with that is you would need footings and things and that messes with the parking again. I think off the building would continue to work best.

Attorney Mondello: Perhaps they simply modify the existing light and make sure its on a motion sensor.

Engineer: We can put it on a motion sensor or a timer.

Attorney: We are going to re-side the building so the fixture is coming off anyway.

Attorney Mondello: Any other questions from the Board? Any questions from the public? Hearing none, seeing none, back to the Board.

Chairman: I have one question. You have HVAC units inside the apartment. Everything is a self-contained one piece unit?

Designer: That's what we are proposing.

Chairman: So you have no outside condensers or anything else on the outside of the building?

Member Covelli: What a split unit?

Designer: Yes, it's going to be a split system.

Member Covelli: Where do you drain those? Inside the building?

Designer: It's not going to drain inside. The split system has a condenser that sits outside somewhere. I don't know if we should be showing you that on there. We have multiple options for what we can do. John and I haven't really talked about which way we wanted to go with this.

Attorney: That's a construction issue because once we get approval we have to actually fill out construction forms.

Chairman: Where are they going to fit? You are using every inch of every four sides of the property.

Applicant: I could add a ductless mini split unit so you don't need a condenser.

Chairman: If you have a/c in each unit, you have a drainage issue. The way this lays out you're right next to your washing machine and your going to drain right into whatever pipe that drains to so that takes care of that. If it is a newer one piece unit, you are going to have to have a vent to the outside because they generate heat. You need to show that on the building, and on the other side where your almost right next to the other building that could be an issue too. You have to do some homework on the HVAC system.

Applicant: Would you be opposed to window a/c units?

Chairman: Yes, forget that.

Attorney: It's a construction issue. We have to get it designed for that.

Conversations continued regarding the types and placement of the HVAC units.

Attorney: If we had to put outdoor condensers, we would have to come back to the Board. Trust me we are not doing that. We are going to stick with construction to make sure we are not going on the ground and no window units.

Designer: It is something we will address in the construction stages.

Attorney: We can stipulate that are not putting any condensers on the ground. We'll use a system that doesn't require anything on the ground.

Attorney: If there are no other questions, what I would like to do is just very simply, we came before with a Planner and Planning Report, testimony from the Realtor, testimony from the Owner/Applicant, testimony from the Engineer, we took your concerns about how you want Ringwood Avenue to look, and we spent a lot of time, a lot of effort to completely change this very old structure. We actually took away some rentable space by cutting into the building as was testified so that this now has a very residential look. Based on everything, I think that the Use Variance here is extremely appropriate. I think the Planner has said how it reconciles with your Master Plan, the Engineer has done everything he could with the limited space and we talk about that this is at least 90 to 100 year old building. I think this type of structure, this type of what we are proposing here, is more in keeping with what the Borough wants to see and I would ask that the Use Variance being granted. Thank You

Member Ludwig: Looking at the roof elevation, you probably put units on either side since the roof is so flat.

Attorney: We will work it out.

Attorney Mondello: Don, they stipulated that they are not going to put anything on the ground so it is up to them .

Member Covelli: And nothing in the windows.

Chairman: The Engineer here will contact some HVAC guy and ask for the most modern unit that fits in the closets. This is what they propose in apartment buildings. The systems are there. It's just finding one that fits your criteria here with the size of the building and layouts.

Additional conversations continued regarding the HVAC units.

Chairman: We can do this two ways. We can approve the Use Variance tonight with the stipulation that you come back with some engineering on the HVAC.

Attorney: Mr. Chairman, with all due respect, I really don't want to come back for that because that is a construction issue. I'm stipulating that we will not have anything on the ground and that would be in your bailiwick, but as long we are not going to put anything on the ground, we are going to take care of that within the building, I would ask everything be approved tonight.

Attorney Mondello: Mr. Chairman, I would agree with Mr. Barbarula.

Chairman: So what your saying is what you've got drawn on the HVAC that's it.

Attorney: No, what I am saying is that we are taking your suggestion about seeing what is out there, but we will not pick a system that will put anything on the ground because that would require us to come. And we are getting rid of air conditioning windows and ones that are cut through the wall because we don't want that for tenants either. I highly doubt we are doing anything with the roof. I am telling you I am stipulating we will not put anything on the ground that would make us come back before the Board. Therefore, I am requesting that you make one Motion to Approve the Use Variance.

Engineer Diaz: We just ask that you put the parking stall dimensions on the Site Plan.

Attorney: No problem.

Chairman: Who wants to make the Motion?

Member Lynch makes the Motion to Approve Application ZBA2024-01.

Member Covelli: Granting the following variances listed in Engineer Nash's Review Letters of May 24, 2024 and July 2, 2024 and incorporating the representations made by the Applicant tonight specifically a shed roof over the rear door, they will take care of motion lighting in the rear parking lot, and they represent they will not put any window air unit conditioners in that building and no units located on the ground.

Member Aumenta seconds the Motion.

Attorney Mondello: And work with the neighbor for potentially a fence with the alley as well.

Member Ludwig: I'd like to see it nice because I come out that street every day from the other side.

Member Covelli: Very nicely done gentlemen. All of you collectively.

Chairman: Good presentation and you basically addressed everything the Board asked for without a fight, which we appreciate.

MOTION TO APPROVE APPLICATION NO. ZBA2024-01: made by Member Lynch, seconded by Member Aumenta. Voting yes were Chairman Dunning, Members Covelli, Lynch, Ludwig, Aumenta, Sbarra and Farinella

PUBLIC DISCUSSION: No one from the public came forward.

RESOLUTION: None

CORRESPONDENCE: None

VOUCHERS: submitted by Ronald Mondello, Esq. for attendance at the July 10, 2024 Meeting in the amount of \$500.

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

VOUCHERS: submitted by Boswell Engineering for the Bruce Labouseur Application in the amount of \$318; and for the 518 Wanaque, LLC in the amounts of \$848.

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

MOTION TO APPROVE JUNE 5, 2024 MINUTES: made by Member Aumenta, seconded by Member Sbarra. Voting yes were Chairman Dunning, Members Covelli, Lynch, Ludwig, Aumenta, Sbarra, Farinella and Bonner

ENGINEER'S REPORT: Engineer Nash is currently reviewing the resubmission of the application for 1025 Ringwood Avenue, Haskell. Board Secretary passed out a New Application.

DISCUSSION: Board Secretary will advise New Board Members of Fall Dates for the Mandatory Class.

MOTION TO ADJOURN AT 8:15PM: Voting yes were Chairman Dunning, Members Covelli, Lynch, Ludwig, Aumenta, Sbarra, Farinella and Bonner

Jennifer A. Fiorito, Board Secretary