

**REGULAR MEETING**

**Salute to Flag: 8:00pm**

**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 Herald News and the Suburban Trends on February 14, 2016 and February 17, 2016 respectively, and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque and a copy thereof has been on file with the Borough Clerk**

**Mayor Mahler swore in New Member, Barry Hain.**

**ROLL CALL: Chairman Jack Dunning, Vice Chairman Bruce Grygus, Members Don Ludwig, Barry Hain, Peter Hoffman, and Michael Levine, Attorney Ronald Mondello and Engineer Christopher Nash**

**ABSENT: Members Frank Covelli, Suzanne Henderson and David Karp**

**Application #ZBA2016-04 – Catalini & Meleghis, Applicants**  
**136 Greenwood Avenue, Haskell, NJ (Block 460/Lots 14 & 15)**

**Attorney Mondello advised the Board that he reviewed the proof of publication and the notice to residents within 200 feet of the subject property and deems the application complete and jurisdiction is vested in the Zoning Board to hear the application.**

**Alessandra Polito, 9 Whippany Road, Suite B2-4, Whippany, New Jersey**  
**Architect for the Application**

**I have been licensed in New Jersey for 4 years, have 15 years of experience and operate my own firm out of Whippany.**

**I have never testified before any Boards in New Jersey.**

**The Board accepts Ms. Polito as an expert in architecture.**

**Alessandra Polito Testimony**

**Architect Polito advised the Board that the applicant is looking to build a new master bedroom and family room to his existing house, which is currently a two-bedroom house.**

He is not looking to increase the number of bedrooms; he is looking to add a dining room to his house. We have looked at building towards the rear of the property because of the setback deficiencies in the front and on the side of the property; however, there is a large rock outcrop in the rear of the property. If we were to build a similar sized addition to the rear, it would be within ten to fifteen feet from the house, and where the rock outcrop is the grade raises about four to six feet so the windows would look directly out into the rock.

We put the addition on to the second floor and have set it back from the front of the house which is only 3-1/2 feet from the property line. The setback is 11.4 to the new construction, which doesn't meet the front yard setback. The enclosed front porch would remain as a one-story portion of the home.

There are existing setbacks on the street of other houses which are similar in nature. His neighbor is approximately the same distance from the street and there are other dwellings on the street which have a similar setback deficiency.

Attorney Mondello stated you have hit upon a Supreme Court case that said when houses are all lined up like that, we would like to keep harmony in the neighborhood.

Attorney Mondello questioned what are the variances that your client is seeking?

Architect Polito answered front yard variance, side yard variance and there was a variance listed on the engineer's review letter for the existing garage, which is non-compliant in its front yard setback. However, that is an existing structure so I am not sure if we need to be applying for that variance at this time.

Attorney Mondello stated that the two prior variances are pre-existing and you are going up vertically so you are not exacerbating those variances. Is that correct?

Architect Polito stated we are not building any closer to the property lines than the existing house is.

Attorney Mondello questioned why does your client want to do this?

Architect Polito answered that his step-daughter is coming to live with them so they would need two bedrooms and semi-separate living space. There is also a lot of noise because his bedroom currently is in front of the house and there is a lot of traffic on that street going to Rt. 287 so it creates a lot of noise for him in the morning so he would like to move his bedroom to the back of the house where there would be less noise.

#### **Board Members Questions To Architect Polito:**

Member Hoffman questioned if there was going to be an additional bathroom?

Architect Polito answered there is going to be an additional bathroom on the second floor.

Member Hoffman questioned you are not cantilevering over any wider or longer than the house is now?

Architect Polito stated no we are not.

Vice Chairman Grygus, referring to the first floor plan of the architectural plans, asked if she could orient that to us to the site.

Architect Polito, referring to Sheet A of 100, stated if you look at the top of the plan, that would be

the front of the site so that is the area where the door is. If you look at the middle plan, which is the first floor, that area is 3-1/2 feet from the street.

Vice Chairman Grygus stated the top of the plan is the front of the house and that bedroom is going to stay where it is?

Architect Polito stated yes it is.

Vice Chairman Grygus questioned the only way to get into the basement after construction will be to access that stairwell through the dining room. Could you tell us approximately what the finished height of the basement is?

Architect Polito stated yes. It is very low in height; it is more of a crawl space actually. It is about 6-6. If you look to the right-hand side, there is a higher crawl space at about 3' from the joist to the slab. It is not finished, but the washer and dryer are down there as well as the furnace and hot water heater. There is no plan to convert it to living space.

Member Hoffman questioned how does the furnace vent?

Architect Polito stated the furnace vents through a chimney. If you look at the first floor plan, the chimney is directly behind the stove and that would carry up through the second floor. There is masonry on the first floor but we would convert it to a metal flue for the second floor.

Member Ludwig questioned if there is a door at the bottom of those stairs?

Architect Polito answered there is a door at the bottom of the stairs. It would create a more open feeling to the small area at the back of the dining area to have that stair open.

Member Levine questioned what the fuel source is for the heating?

Architect Polito stated it is gas.

Member Levine questioned is it hot air? Architect Polito stated yes.

Attorney Mondello swore in the Applicant, Angelo Catalini, of 136 Greenwood Avenue.

Member Levine questioned if the heating system was base board or hot air?

Mr. Catalini answered hot air.

Member Levine questioned if the furnace has been sized to confirm that it can handle the additional usage?

Mr. Catalini stated my plan is to have electric heat upstairs. I am not going to use hot air upstairs.

Member Levine questioned if the electric service is sufficient to handle this?

Mr. Catalini stated his electrician will look at that and if it needs to be changed his electrician will do it and check with JCP&L.

Chairman Dunning questioned if he had central air in the house?

Mr. Catalini stated no, but I am thinking about putting it in, in the future.

Chairman Dunning, questioning Engineer Nash, if they put a pad outside, would they need relief from that?

Engineer Nash stated it depends what it is.

Attorney Mondello stated he believes the Chairman is suggesting that they may further exacerbate the side yard setback.

**Chairman Dunning stated I know some towns are asking for variances for air conditioning pads, especially if the applicant wants to put it on the side yard.**

**Engineer Nash stated they can put it on the one side where the garage is.**

**Chairman Dunning, referring to the tree that will be right at the corner of your new addition, in the back.**

**Mr. Catalini stated that has to come out. It will interfere with the addition.**

**Chairman Dunning stated the peak of the roof seems extremely high. Is there an intended use for the attic area? I don't see stairs. I see a trap door to get up there.**

**Architect Polito stated not as finished space; just for storage.**

**Attorney Mondello advised that, in the Resolution, if the Board does decide to approve the relief that is being sought, we are going to put two conditions in: (1) that the attic is not to be converted to living space but only used for storage; and (2) that the crawl space/basement that was referred to and is 6' high, is not converted to living space.**

**Mr. Catalini understands.**

**Architect Polito also agreed.**

**Vice Chairman Grygus, addressing Engineer Nash, questioned if he saw any additional roof square footage in this addition than what exists now? If you look at the left side elevation, you are going to have a downspout that is going to be right at the smallest side yard distance.**

**Architect Polito stated the property is really flat at that location. The intention is to have the downspouts run to the ground.**

**Chairman Dunning questioned if that was adequate and is there a runoff issue.**

**Engineer Nash stated no, because it is not a major development. It doesn't fall under the prevue of Section 95.**

**Engineer Nash stated the only reason I added the garage is because it is all connected.**

**Chairman Dunning stated there is also an addition to the back of the garage plus a shed that is not shown on the site plan. However, it doesn't impact anything.**

**Any questions or comments from residents within 200' please come up.**

**Regina Wieland, 138 Greenwood Avenue**

**Ms. Wieland heard they are not going to increase the width of the house, but my problem was with the side because we are right next door and we are already very close so I was just concerned that they were going to get even closer.**

**Architect Polito stated they are not going to get any closer.**

**Ms. Wieland stated it said 3' and right now we are more than that.**

**Architect Polito stated the side yard is 11.4. We are just going up.**

**Ms. Wieland stated we are good.**

**Any other questions or comments from any residents? Hearing none, seeing none, we close this portion of the public meeting, and entertain a Motion on this application.**

**MOTION TO APPROVE THE APPLICATION WITH THREE VARIANCES: (1) THE FRONT YARD SETBACK WHERE 30 FEET IS REQUIRED, THE APPLICANT HAS AN EXISTING CONDITION OF 3.5 FEET, FOR A VARIANCE OF 26.5 FEET; (2) THE SIDE YARD SETBACK WHERE 15 FEET IS REQUIRED, THE APPLICANT HAS AN EXISTING CONDITION OF 11.7 FEET, FOR A VARIANCE OF 3.3 FEET; AND (3) THE NON-CONFORMING FRONT YARD SETBACK FOR THE GARAGE WHICH IS AN EXISTING CONDITION WHERE 70 FEET IS REQUIRED, THE APPLICANT IS PROVIDING 30.8 FEET, FOR A VARIANCE OF 39.2 FEET. AND THE TWO ADDITIONAL CONDITIONS WOULD BE THAT THE BASEMENT SPACE AND ATTIC SPACE ARE NOT TO BE CONVERTED TO LIVING SPACE.**

**MOTION TO APPROVE THE APPLICATION:** made by Vice Chairman Grygus, seconded by Member Ludwig. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Hain, Hoffman, Ludwig, and Levine. Motion Carried.

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

**RESOLUTION:** None – Carrying the Cingular/AT&T Resolution in order to incorporate the height of the tower and they are reconfiguring where antennas are going to be placed.

**CORRESPONDENCE:** Board Secretary distributed to the Board a copy of Engineer Nash's letter regarding 1049 Ringwood Avenue on the storm water management approval and also a New Application for MKR Enterprises.

**DISCUSSION:**

**1049 Ringwood Avenue, LLC**

Member Levine questioned if we ever heard from the applicant's attorney about the adjoining properties allowing the right of way. Attorney Mondello stated the attorney did say he queried and he didn't get a response back, but I will follow-up with that.

Vice Chairman Grygus questioned Engineer Nash if they changed that discharge from the rear or did they keep it?

Engineer Nash stated they kept the discharge in the rear.

Chairman Dunning and Vice Chairman Grygus, referring to the County's letter of May 5, 2016, questioned if the applicant can comply with Item No. 2 about the grading.

Engineer Nash stated they can comply with that.

Chairman Dunning and Vice Chairman Grygus are questioning the County's request for a fence since we also required a fence, how far does the County's right of way go and why are they mentioning the sight line.

Ultimately the revised plans will address these issues.

**DISCUSSION Continued:**

**MKR Enterprises/Tree Tavern**

Attorney Mondello explained the unusual situation for producing a separate voucher/bill on his review of Tree Tavern's Deed. I was contacted by the Borough Attorney and the Borough Administrator and was asked to review numerous documents with respect to Tree Tavern and see whether or not the Deed that they were proposing to file was, in fact, accurate. I did find a fatal flaw in the Deed, and the applicant did correct the Deed and added the reference to a letter that had another seven conditions attached to it. Also, the applicant did post escrow in the sum of \$1,500 for me to perform this work. This all stems from an application before this Board in 2005.

Attorney Mondello read into the record his letter dated May 11, 2016 to Attorney Fiorello outlining the results of his review.

Vice Chairman Grygus questioned what is the purpose of this new application?

Attorney Mondello stated we don't want to discuss the substantive portions of this application. I know that apparently he is asking for an interpretation, which will require one mind set, and then, in the alternative, he is asking for at least a use variance. Without getting into the substantive aspects of the application, that is just a broad brush stroke of what I see on the first page. We will need to wait for the testimony.

It was also discussed to request additional escrow money from the applicant on this new application. Escrow was only posted for the interpretation, not for the variance relief requested.

**Permit Extension Act**

The extension expired at the end of June, 2016. We have two applications that were approved some years ago. Our normal time allotment is nine months so now what happens. Attorney Mondello stated that some other Boards just simply extend it and say we will give you another six months, year, or whatever the Board agrees on, and a Resolution would be voted upon. Other Boards will make them start all over again.

Vice Chairman Grygus stated that between Mr. D'Amico's death right after the approval and a new owner probably complicated things a bit.

Board Secretary advised that there are permits in the office for both the Exxon Gas Station and Wogish. We have had the Exxon permits since 2013 and are still awaiting additional documentation. Mr. Wogish has received a foundation permit.

**VOUCHERS:** submitted by Ronald Mondello, Esq. for review of Tree Tavern's Deed in the amount of \$1,125; and attendance at the July 6, 2016 Meeting in the amount of \$300.

**MOTION TO APPROVE:** made by Member Vice Chairman Grygus, seconded by Member Ludwig. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Hain, Hoffman, Ludwig and Levine.

**VOUCHERS:** submitted by Boswell Engineering on 1049 Ringwood Avenue, LLC Application in the amount of \$3,230.

**MOTION TO APPROVE:** made by Member Vice Chairman Grygus, seconded by Member Ludwig. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Hain, Hoffman, Ludwig and Levine.

**MOTION TO APPROVE MAY 4, 2016 MINUTES:** made by Member Vice Chairman Grygus, seconded by Member Ludwig. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Hoffman, Ludwig and Levine.

**MOTION TO ADJOURN AT 8:45PM:** Motion carried by a voice vote.

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