

**REGULAR MEETING**

**Salute to Flag: 8:02 P.M.**

**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 10, 2013 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**

**ROLL CALL: Chairman Jack Dunning, Vice Chairman Bruce Grygus, Members Frank Covelli, Peter Hoffman, Michael Levine, Suzanne Henderson, James Minogue, Attorney Ronald Mondello and Engineer Christopher Nash**

**Member Donald Ludwig arrived at 8:06pm**

**MEMBER ABSENT: Member Joseph D'Alessio**

**Application #ZBA-2013-02 – Dawn Shutte, Applicant, 14 Father Hayes Drive, Haskell, NJ, Block 307 Lot 10.02 (Bulk Area Variances)**

**Member Levine recused himself since he lives in Wanaque Reserve, which is within 200 feet of the Applicant's property.**

**Attorney Mondello has reviewed the file and all notices were served and published, and the application is deemed complete and jurisdiction is vested in the Zoning Board to proceed with this matter.**

**The following witnesses were sworn in:**

**David Longo, 97 Ricker Drive, Ringwood, New Jersey (Builder & Brother-In-Law Of Applicant and Son-In-Law of Parents Whom Addition Is For)  
Dawn Shutte, 14 Father Hayes Drive, Haskell, New Jersey (Applicant)**

**Mr. Longo testified that Dawn Shutte, his sister-in-law, lost her husband recently, and her parents (my in-laws) live in Wanaque Reserve, and for financial reasons, they want to help her out and move into the house.**

**We have a proposed one-story addition for them, with a kitchen and living room, and I am going to convert Dawn's bedroom for her parents and she is going to move upstairs to one**

of the other bedrooms. There are two access ways to get into the other part of the house, which is either from the garage or from their bedroom.

Attorney Mondello stated that, if the Board, at some point in time is so inclined to approve the Application, I may be suggesting that there be a Deed Restriction that, if and when you ever sell the house, that the prospective buyers understand that this is not a two-family house and it can't be used as a two-family house.

Mr. Longo stated that we have no problem with that.

Mr. Longo stated that Dawn's parents are getting older, and eventually they are going to need care, so they would like to be with their daughter, and Dawn's brother also lives next door to her. Dawn's dad is 90 years old and her mother is 85 years old.

Chairman Dunning stated this is very simple; there are only a few variances you need. Referring to the Floor Plan, page 2 of Architect Klenk's Layout, please walk us through it in a sense that the existing house, we will say is to the center and left on the plan, and the new addition is on the right side.

Mr. Longo stated the proposed one-story addition on the right-hand side consists of a couple closets, little kitchen, fireplace, and a deck/porch on the back with a sliding door. There is a two-car garage in which Dawn will park on one side, her parents on the other. Her parents can drive into the garage and enter into their space directly from the garage or they can go to the left-hand side and go into Dawn's space. They can also travel to the back of the house where there is a little hallway with a couple of closets, which used to be the master bedroom, which will be their bedroom and bathroom and everything is existing there. They can go through their bedroom into Dawn's kitchen, dining room, laundry room and living room; all on the first floor. On the second floor there are existing two bedrooms and bath.

Chairman Dunning questioned the only connection between the redone existing dwelling, where Mrs. Shutte is going to live, and the new proposed addition, is where it is labeled "new door", which comes off the bedroom into the dinette area. Mr. Longo stated "no". There is a door on the left of the garage that, when they pull their car in, they can either go into either Dawn's side or their side from the garage.

Chairman Dunning stated he meant internally in the house, excluding the garage. Mr. Longo stated they that can go from their bedroom into the existing dinette area. There are two ways to get into the house from being inside the dwelling.

Chairman Dunning questioned that the only outside way to get into the new addition is through the sliding glass doors on the porch. Mr. Longo stated "correct", or they can go from the garage or use the front door. There are also two existing doors in the rear of the dwelling. They do have quite a few ways to get out of the house in an emergency.

Vice Chairman Grygus, questioning Mrs. Shutte, stated lets fast forward ten years from now and you find yourself in the situation where you now, alone again. Mrs. Shutte commented that she has three children and I would maybe occupy the space that my parents are in, and one of my children would maybe move into the dwelling.

Vice Chairman Grygus stated that after reviewing the documents and Engineer Nash's letter, you have a unique situation from other applicants that we have had before us

because of the size of your lot. Realistically, for you to request that the house be considered deemed a legal two-family would not require any additional variances and, for the future, could possibly benefit you, or somebody in the future. It gives you a lot of additional opportunities legally and financially that you don't have now. Mr. Longo stated that we really don't want to get into the two-family.

Chairman Dunning stated that when we grant a variance, it runs with the life of the property. Twenty years from now you decide to sell, if you make it a legal two-family it is very easy because you don't need any use variances or anything else. You have got the requirements met. It would be a more saleable project and it would stop the future homeowner from making an illegal conversion to a two-family. Mr. Longo stated probably, not definitely, one of her children will take over the house. We don't want to go with two sewers, two gas lines, two water lines. Mrs. Shutte stated we are trying to share expenses economically right now.

Vice Chairman Grygus stated the only thing you may have to do is the sewer line. The other items would be your option whether you wanted to split utilities or not. It is just that, even with the Deed Restriction, it becomes an enforcement nightmare down the road especially if the house changes hands. Mr. Longo questioned, "What would the Board require to not deem it a two-family?"

Chairman Dunning stated the Board is making a suggestion based on how well the property is laid out and your architect did a good job. It is your application. Mrs. Shutte questioned, "We could do this down the road?" Vice Chairman Grygus stated you do have that option, but you would have to file and spend all the money to come before the Board again.

Member Covelli stated that they would have to pay a connection fee to the town if it becomes a two-family and that entails thousands of dollars. Mr. Longo stated at least another \$10,000. Mrs. Shutte again stated we are trying to keep it as economically as possible.

Chairman Dunning stated with Item 3 in Engineer Nash's letter out of the way, we have a couple bulk variances and do we have any other comments about the layout? In the architect's page 1, side view, showing a fireplace, where is the chimney? Mr. Longo answered it is a gas fireplace.

Vice Chairman Grygus believes the only other issue is the shed. Mr. Longo stated John Shutte built the shed, with a concrete floor, for all his tools, etc. and none of us knew that there was a problem with the shed. I believe it is a 10 x 10 shed.

Engineer Nash stated the setback is the problem with the shed, and they have hardship reasons so you can grant the variance.

Chairman Dunning stated we will call it an accessory building to the pool.

Chairman Dunning, directing his question to Engineer Nash, "What is the distance of the covered porch to the pool?" Any way we can scale that off because it has to be at least 10

feet. Mr. Longo stated it is more than 10 feet from the pool. If I remember right, I think it was 16 or 18 feet from the pool. Chairman Dunning stated the corner of the structure is only 13.5. Mr. Longo stated I know it is more than 10 feet because Jeff told me and the architect to make sure that we were at least 10 feet from the pool.

Chairman Dunning stated there is no dimension on the porch. Mr. Longo stated it is 6 x 8. Chairman Dunning stated that Mr. Miceli's document shows the corner of the house to the edge of the pool, not the concrete walkway, at 13.5 feet, and if you take the 6 feet off of that, you are only 7.5 or 8 feet from the pool edge. Mr. Longo stated I know Jeff stated that whatever you do, you have to be 10 feet from the pool per the ordinance, and we will definitely be 10 feet from the pool, even if I have to make the porch smaller. This porch is only a little something for my father-in-law so he can sit outside on his chair. This porch will be 16 inches off the ground.

Chairman Dunning stated keep it 10 feet and ½ inch and you don't need any variances. Attorney Mondello stated that he will put in the Resolution for clarification that the top of the porch must be at least 10 feet from the pool, and its not a variance issue.

Chairman Dunning stated that in the architect's plan it looks like the pool heater is almost going to touch the addition and the survey shows it differently. Mr. Longo stated the survey is correct and the heater is far enough away from the addition.

Vice Chairman Grygus questioned where all the utilities were located. Mr. Longo stated the 200amp electric service is underground and on the left-hand side of the addition, along with the gas and water. Proposed addition is on the right-hand side/east side of the house.

Attorney Mondello is requesting clarification with respect to the Deed Restriction I originally proposed. "Is it not the Board's pleasure to require that there be a Deed Restriction?" Chairman Dunning stated that, when we gave up the two-family idea, we would require the Deed Restriction. Attorney Mondello stated to Mrs. Shutte that your attorney is going to have to draft something and send it to me for review and then record it. Mr. Longo stated no problem. We will do that.

**Public Discussion On Application:** Seeing and hearing none, we close the public portion.

**MOTION MADE BY MEMBER COVELLI TO APPROVE APPLICATION #13-02 WHERE THE APPLICANT IS PROPOSING A 650 SQUARE FOOT ADDITION AND a 60 SQUARE FOOT PATIO PORCH TO AN EXISTING STRUCTURE WITH THE FOLLOWING NON-CONFORMITIES: FRONT YARD WHERE 30 FEET IS REQUIRED AND 17 FEET IS PROPOSED FOR A VARIANCE OF 13 FEET; IN ADDITION WE WOULD BE PROVIDING A VARIANCE FOR AN EXISTING SHED WHERE THE FRONT LINE OF 70 FEET IS REQUIRED AND THE ACTUAL SETBACK IS 19.1 FEET FOR A 50.9 FOOT VARIANCE; AND A DEED RESTRICTION**

**AS ANNUNCIATED BY OUR BOARD ATTORNEY WITH RESPECT TO THE PROPERTY NOT BEING USED AS AN ILLEGAL TWO-FAMILY IN THE FUTURE.**

**MOTION TO APPROVE APPLICATION:** made by Member Covelli, seconded by Member Hoffman. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Hoffman, Ludwig, Henderson and Minogue. Member Levine recused himself. Motion Carried.

**PUBLIC DISCUSSION:** None/Closed

**RESOLUTION:** Application No. ZBA-2013-01, Joyce Thompson, 13 Toquet Street, Haskell, NJ, Block 403/Lots 112 & 114 for bulk and/or dimensional variances to construct a new Residential Dwelling.

Since the Sewer Easement issue is still open, Attorney Mondello questioned what the Board would like done? Chairman Dunning stated, we have to protect the Borough, so we want something. The Applicant did say no record of any easement showed up in any of their title searches and the “temporary construction easement” on the Borough’s sewer plan was from 1984 so it should have shown up if it was recorded. Attorney Mondello stated we will have to draft an Easement.

**MOTION TO MEMORIALIZE THIS RESOLUTION AS PREPARED BY BOARD ATTORNEY:** made by Member Covelli, seconded by Vice Chairman Grygus. Voting yes were Chairman Dunning, Vice Chairman Grygus Members Covelli, Ludwig, Levine, Henderson and Minogue. Motion Carried.

**CORRESPONDENCE:** None

**VOUCHERS:** submitted by Ronald Mondello, Esq. for attendance at the June Meeting in the amount of \$600; and on the Thompson Application for \$937.50.

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

**MOTION TO APPROVE MAY 1, 2013 MINUTES:** made by Member Covelli, seconded by Member Ludwig. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Ludwig, Levine, Henderson and Minogue. Member Hoffman abstained-not qualified.

**ENGINEER’S REPORT:** Nothing new to report.

**DISCUSSION: Financial Disclosure Statements – Chairman Dunning reminded all members to file their Financial Disclosure Statements on-line. You must include an e-mail address for the Borough, which was included in the packet. Any questions or problems, please see Kathy Falone, Municipal Clerk.**

**Our next meeting is presently scheduled for July 3<sup>rd</sup> and since that runs into the holiday weekend and we may not have a quorum, we will cancel it.**

**MOTION TO ADJOURN: at 8:50 P.M. made by Member Ludwig. Motion carried by a voice vote.**

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