

REGULAR MEETING

Salute to Flag: 8:05pm

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 February 13, 2019 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

ROLL CALL: Chairman Jack Dunning, Vice Chairman Bruce Grygus, Members Frank Covelli, Peter Hoffman, Donald Ludwig, Michael Levine and Larry Malone, and Attorney Ronald Mondello and Engineer Christopher Nash

ABSENT: Member Bridget Pasznik

Application #ZBA2019-05 – Miceli, Joseph
7 Humbert Place (Block 200.22/Lot 13.01)

Attorney Mondello swore in Joseph Miceli, 7 Humbert Place

Attorney Mondello: I have reviewed the Notice of Publication and the Notice to Residents within 200'. The legal notice requirements have been met and jurisdiction is vested in the Zoning Board to hear the application. Mr. Miceli why don't you tell the Board what you want to do and why you want to do it.

Mr. Miceli: I want to put a two-car garage up mainly because I have my mother-in-law living with me now. My father-in-law died in October and we sold their house. She is not capable of living by herself. She needs a suitable place to live, which is a room we have downstairs that we mainly use for my room, my stuff and for storage. In order to give her that room, I want to put up a two-car garage.

Member Covelli: Is that your man cave?

Mr. Miceli: It is an office for me, it's my wine cellar and it is a little bit of everything. It doesn't make sense to build a one-car garage. That is mainly the reason why and we wrote a letter for you explaining everything about my mother-in-law, which I think you all have.

Member Levine: Is she physically capable of climbing the steps to get upstairs?

Mr. Miceli: Once a day, maybe twice. The room downstairs is going to have a full bath for her so now she doesn't have to come up to take a shower. She will have a refrigerator and a microwave downstairs, so she'll come up once a day to eat dinner, if she wants to. If not, we'll bring it down to her.

Chairman Dunning: You submitted some plans. You want to walk us through your plans and explain what you are doing in more detail. Page 1 and 2 is the outside. Can you explain what you are doing on the inside area, presently it's called a basement/office/utility room/bedroom.

Mr. Miceli: Basically this is what it's going to like look.

Member Covelli: Counselor why is he here? I don't see any side yard setbacks.

Chairman Dunning: He needs side yard setbacks.

Mr. Miceli: I got denied for a rear and was notified last week that the side wasn't enough.

Chairman Dunning: Correct. If you read Engineer Nash's letter it picks up on that side yard also.

Mr. Miceli: We are zoned R-40.

Member Covelli: Okay. I saw the size of the lot and was wondering why you were here.

Mr. Miceli: As far as the first couple pages of the plan, it is self-explanatory.

Chairman Dunning: Page 5 is your existing basement now.

Mr. Miceli: My existing basement has a bedroom in it, which is going to be her bedroom now. It has the rec room area which is labeled "basement", and has a tv and a couch that is going to be our living space. The office part where it says "office", which is mine now, will be her tv room, with a couch and a little kitchenette and, like I said, a full bathroom. The toilet in the utility room is existing and has been there. That is the only toilet we had downstairs and there is no shower in there. It is actually my laundry room that has a toilet in it.

Member Levine: Is this going to be pump up?

Mr. Miceli: Yes.

Member Levine: On the outside, on the right side elevation, you show what looks like an existing window, is the new garage going to be blocking that? I'm looking at page 2 of 5.

Vice Chairman Grygus: Page 3 shows to remove that window.

Mr. Miceli: There are two windows on the side of my existing house and one of the windows has to go because of the roof line.

Member Hoffman: Is there going to be any storage above the garage?

Mr. Miceli: Yes there is. I'm going to put in disappearing stairs in the garage just for storage.

Member Hoffman: No living space?

Mr. Miceli: No, there isn't enough room for living space.

Vice Chairman Grygus: Engineer Nash what is the measurement on the side yard?

Engineer Nash: It's the same that is shown on the plan, but in the bulk zoning schedule on his plan under side yard total, he wrote required 60 but the requirement is 65. He has 61.6. He will need a variance for that and the rear yard. It should be noted too that the shed in the side yard is being removed. The shed in the side yard was kind of in the side yard, but even passed the front of the house so it would have never been allowed to be built there, but it is being removed.

Chairman Dunning: There are still three sheds there. You said the three sheds are going to be removed?

Mr. Miceli: No.

Chairman Dunning: The drawing says “Existing Frame Sheds to be Removed” and there are two arrows.

Mr. Miceli: Just the one. Why should that one have to be removed?

Attorney Mondello: It doesn’t have to be, but that’s what your plan says.

Mr. Miceli: I didn’t do the plans, my brother did.

Chairman Dunning: You also have one behind the house. A small shed which is not shown on the plan. Also, you have a hot tub out in the backyard somewhere that is also not shown on the plan. So you are going to leave the one shed that’s closest to the property line on the right.

Mr. Miceli: Yes.

Chairman Dunning: The other one, where the garage is going, has to be removed.

Chairman Dunning: You show a block wall on this drawing, but it’s stone actually. What happens behind the garage? Right now there is some kind of block wall coming across the whole back of your property.

Mr. Miceli: It is going to be dug out for the garage and a wall is going to be put up. We are only going to take out as much as we need for the garage.

Chairman Dunning: Okay, because that’s not on the plan. Any wall over 3’ in height is going to require engineered drawings. That will be a separate issue with the building department at that point. The other question is, are you going to pave over your septic to get into the garage?

Mr. Miceli: No.

Chairman Dunning: Basically, you are going to leave stone there to give you access to the garage.

Mr. Miceli: Yes, just as it is.

Member Levine: You are not going to expand any of the utilities, it is whatever is there right?

Mr. Miceli: Utilities are not going to be touched because the garage is going to be set back 4’ past the utilities on the side of the house. The gas is in the front of the house and my electric is on the side.

Vice Chairman Grygus: Is an accessory structure (the shed being kept) permitted in the front yard? Typically, when we would get these applications in, we would clean them up. I don’t know what the measurement is on the side yard for that.

Attorney Mondello: We need a variance for the shed that is staying?

Vice Chairman Grygus: We would need a variance because there are two and they are only allowed one so that would be another variance.

Member Hoffman: The little one in the back yard that is not on the plan, is that a shed?

Mr. Miceli: It is one that you buy for garbage cans.

Member Hoffman: It’s a garbage enclosure?

Mr. Miceli: Yes, that’s all it is.

Chairman Dunning: It’s simple; it can’t exceed 100 square feet. Since we are here, let’s clean the thing up. The shed that is on the side yard and front yard needs a variance. You are going to keep that shed, right?

Mr. Miceli: I have to. All my tools and everything are in there.

Chairman Dunning: You are also going to keep that little shed for your garbage enclosure.

Mr. Miceli: Yes.

Vice Chairman Grygus: Does anyone know the dimensions of that shed in the back?

Chairman Dunning: 4x8; it's not big.

Vice Chairman Grygus: Does anyone know the dimensions of the one that is in the front yard?

Mr. Miceli: I believe it is 10x18.

Vice Chairman Grygus: It's going to require a variance because it exceeds 100 square feet and it's going to require a variance because it's in the front yard and it's going to require a variance because there is more than one accessory structure.

Attorney Mondello: So we are up to five variances.

Mr. Miceli: Why is that considered in the front yard? It's in the side yard.

Vice Chairman Grygus: The front yard projects the full width of your property from your structure. If you shot a line straight across the front of your house to the side of your property, you couldn't put it beyond that line.

Member Hoffman: If you are going to leave it there, you'll get a variance for it.

Member Ludwig: We're just trying to clean it up so that if somebody complains you are good.

Engineer Nash: It is scaling 12x18 (216 square feet).

Chairman Dunning: Any other questions Members? Let's open it up to the public.

Does anyone in the public have any questions or statements on this application?

Attorney Mondello: It should be noted there isn't anybody from the public.

Chairman Dunning: Seeing and hearing none, we close it.

Vice Chairman Grygus: I'll make a Motion to Approve the Application:

MOTION TO APPROVE THE CONSTRUCTION OF A TWO CAR GARAGE AND ALONG WITH THE FOLLOWING FIVE VARIANCES: ONE WILL BE A TOTAL SIDE YARD WHERE THE APPLICANT IS PROPOSING 61.6 FEET WHERE 65 FEET IS REQUIRED FOR A VARIANCE OF 3.4 FEET; A REAR YARD VARIANCE WHERE THE APPLICANT IS PROPOSING 35.5 FEET WHERE 55 FEET IS REQUIRED FOR A VARIANCE OF 19.5 FEET; ALSO GOING TO HAVE A VARIANCE FOR AN EXISTING 216 SQUARE FOOT SHED WHERE 100 IS PERMITTED BY ORDINANCE AND WE ARE GOING TO ALSO APPROVE THAT SAME SHED TO BE LOCATED IN THE FRONT YARD; AND ALSO A FIFTH VARIANCE TO ALLOW TWO ACCESSORY STRUCTURES ON THE PROPERTY.

Engineer Nash: Can I amend? The rear yard variance is for the garage and I don't believe that was said because the house sits further back.

Motion made by Vice Chairman Grygus, seconded by Member Covelli. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Hoffman, Ludwig, Levine and Malone.
Motion Carried

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

RESOLUTIONS: Application #ZBA2019-03 – Seifried & McAuliffe

Attorney Mondello: You will recall that Joyce Seifried and Linda McAuliffe came before the Board for a determination by the Board as to whether or not the cottages that exist on their property were pre-existing, non-conforming uses so that they can restore them and then rent those two cottages sometime in the future. The only particular condition that we added to the Resolution would be that the Applicants shall provide consent to the application by the remaining owners of record who did not appear at the hearing. You might recall that four people own it but two lived in California and Florida but they had no objection, but we are going to want to see that consent from those two owners. The Applicants acknowledge that should the project result in more than 50% destruction of the structures, the Applicants must return to the Zoning Board for Use Variance relief.

Attorney Mondello: Any other changes, comments, modifications. Hearing none, seeing none, with your permission I'll call all those Members that are eligible to vote.

MOTION TO MEMORIALIZE RESOLUTION AS PREPARED BY BOARD

ATTORNEY: made by Member Covelli, seconded by Member Malone. Voting yes were Chairman Dunning, Members Covelli, Hoffman, Ludwig, Levine and Malone.

Motion Carried

CORRESPONDENCE:

1. Passaic County has approved Subcarrier Communications' Cell/Radio Tower on Skyline Drive.

2. Engineer Nash sent an email from the County on 1049 Ringwood Avenue that they've approved the line of sight. The only thing missing is the fence on top now and clean up the front of the property. Attorney Mondello commented that whatever communication Engineer Nash has with the County Engineer and if the fence doesn't get resolved and "dressing up" the property, let me know and I'll go back to the drawing board with the attorney because it seemed to work the last time. Engineer Nash commented that they want to get their money back so they do have motivation. Also, Engineer Nash is not charging anything extra to do these few phone calls.

VOUCHERS: submitted by Ronald Mondello, Esq. for the Seifried/McAuliffe Application in the amount of \$600; and for attendance at the June 5, 2019 Meeting in the amount of \$400.

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

MOTION TO APPROVE MAY 1, 2019 MINUTES: made by Member Covelli, seconded by Member Ludwig. Chairman Dunning, Members Covelli, Hoffman, Ludwig, Levine and Malone. Vice Chairman Grygus not qualified.

ENGINEER'S REPORT: Nothing other than what was discussed.

DISCUSSION:

1. **Changing Zones:** Member Ludwig stated this application bugged him because that zoning was proper before that development went in and every house in that neighborhood is going to have that same problem and have to spend the money when it was rezoned for Mountain Lakes Estate, which screws all the existing houses that are there. Aren't we suppose to review and, if we see something like that, have a report at the end of the year? Chairman Dunning commented we report on things we approved or denied. We've never added comments to it. Vice Chairman Grygus commented we are supposed to report if we have a lot of continuous variances. Attorney Mondello stated the law is every year the Board is supposed to produce a report that lists every single application and whether or not it was approved or denied and what those variances are. Chairman Dunning advised that we do the end of year report and submit it to the Mayor & Council. Chairman Dunning stated in the 80's the Mayor & Council rezoned it as an R-40 and Member Ludwig wants to know if they can rezone those existing houses and make it a sub-block of what it originally was probably an R-15. We have the same problem on Greenwood Avenue where there is an overlay zone and we've had applicants come in because of that because they wanted to build townhouses in that area a while ago.

2. **Ordinance Committee:** Chairman Dunning stated I've been chasing down Councilmen for years to create an Ordinance Committee that we started in 2006. Someone that is no longer employed by the Borough blocked us because they wanted to create their own ordinances so that has all changed. Supposedly now, we are going to make some headway and get the Ordinance Committee back and we want to deal with all the R-Zones so we can get rid of half of these small applications. We should all be bothering the Mayor & Council to get the Ordinance Committee back up. The previous Committee had 2 Members of the Planning Board; 2 Members of the Zoning Board; Jeff Brusco, Construction Official/Zoning Officer; Tom Carroll and Bob Benecke. After one short meeting, we were never permitted to have another one because we had so many questions.

3. **Who Changes Ordinances:** Attorney Mondello stated when the Planning Board reviews the Master Plan and the Zoning Board report, they start making changes and recommendations. Typically those recommendations are you should re-zone this or put an overlay zone here and they incorporate that into the Master Plan. The Governing Body then either agrees or disagrees and then takes action.

MOTION TO ADJOURN AT 8:45 PM: made by Member Ludwig and seconded by Member Levine. Motion carried by a voice vote.

Jennifer A. Fiorito
Board of Adjustment Secretary