

REGULAR MEETING

Salute to Flag: 7:17PM

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 January 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 Dana Lynch, Donald Ludwig, Helena Aumenta, Michael Sbarra, Vincent Farinella and Edward Bonner and Attorney Ronald Mondello and Engineer Christopher Nash

ABSENT: Vice Chairman Bruce Grygus

Member Frank Covelli arrived at 7:20pm

Chairman: We are going to go into Executive Session to discuss a court issue.

MOTION TO GO INTO EXECUTIVE SESSION: made by Member Sbarra, seconded by Member Lynch. Voting yes were Chairman Dunning, Members Lynch, Ludwig, Aumenta, Sbarra, Farinella and Bonner

MOTION TO COME OUT OF EXECUTIVE SESSION AND START REGULAR MEETING: made by Member Ludwig, seconded by Member Sbarra. Voting yes were Chairman Dunning, Members Covelli, Lynch, Ludwig, Aumenta, Sbarra, Farinella and Bonner

Member Sbarra opened the doors to the Council Chambers for the public to enter.

Attorney Mondello: This meeting has reconvened and we do have Agenda items that we are going to take care of before the Application is heard.

**Chairman:** The first application that we would have heard this evening is ZBA2023-01 - 921 Ringwood Avenue for a Use Variance. We received a letter today from their attorney stating they are withdrawing the whole application.

**Attorney Mondello** read into the record Attorney Acquaviva's Letter dated June 4, 2024 withdrawing the Application.

**MOTION TO ACCEPT LETTER WITHDRAWING APPLICATION NO. ZBA2023-01 WITHOUT PREJUDICE:** made by Member Lynch, seconded by Member Sbarra. Voting yes were Chairman Dunning, Members Covelli, Lynch, Ludwig, Aumenta, Sbarra, Farinella and Bonner

**PUBLIC DISCUSSION:** No one from the public came forward.

**RESOLUTION:** None

**VOUCHERS:** submitted by Ronald Mondello, Esq. for attendance at the June 5, 2024 Meeting in the amount of \$500.

**MOTION TO APPROVE:** made by Member Ludwig, 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 921 Ringwood Avenue Application in the amount of \$795; and for the Scenic Landscaping Application in the amounts of \$212.

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

**CORRESPONDENCE:** Application Withdrawal Letter

**MOTION TO APPROVE APRIL 3, 2024 MINUTES:** made by Member Bonner, seconded by Member Aumenta. Voting yes were Chairman Dunning, Members Covelli, Lynch, Ludwig, Aumenta, Sbarra, Farinella and Bonner

**ENGINEER'S REPORT:** Another Application for conversion of a first floor commercial use to residential. The other Application, the multi-family at 1025 Ringwood Avenue has revised their plans, which I picked-up last week.

**DISCUSSION:** Member Sbarra questioned how many Applications do we have outstanding. We have a little bit of backlog now, don't we. Member Covelli mentioned four or five with one just withdrawing. Engineer Nash mentioned that there are two yet to be heard and the one revised one, and then this one. Board Secretary mentioned that there are two new ones that come in at the end of May. The other issue is I want to make sure that we are going to have a quorum for the July 3<sup>rd</sup> meeting. Our meeting is the Wednesday before July 4<sup>th</sup>. Chairman Dunning advised that, in the past, we have moved the meeting date to another week. Discussions were had and it was determined and agreed that the Board's July meeting will be held on Wednesday, July 10, 2024, at 7pm.

Chairman Dunning called for a recess at 7:50pm.

Chairman Dunning reconvened the meeting at 8:01pm and let the record show that all Members that were present prior to the recess are still in attendance. We will now hear Application ZBA2024-01 since it is after 8pm.

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

John Barbarula, formerly of 530 Ringwood Avenue, and now 68 Morris Boulevard, Manahawkin, New Jersey, is here tonight with an application for a Use Variance for the subject premises. As you are well aware this was Mr. Cohen's office and an accounting office for a long time. I was there almost a year. I will bring testimony tonight from a Realtor, a Planner and an Engineer in reference to this subject property. We believe that it is an appropriate situation based on the development of Wanaque. I believe, having had personal experience, and if your Attorney wants to swear me in testimony I have no problem, but being personally there, there have been of number of difficulties with the street parking situation and especially turns for people coming from the north trying to turn left onto Furnace Avenue. Most importantly, I can tell you that clients did not want to make an appointment at either 9am or from 2-3:30pm when our lovely traffic lady, whose has probably been there 20 years, had that road solidly stopped in front of the office. Tonight, Mr. Chairman, I have Donna Holmqvist Planner, Tyler VanderValk Engineer and Francesca De Alto Realtor. The first witness is the Realtor.

Attorney Mondello sworn in Francesca De Alto, Realtor with Weichert Realtors, Ridgewood, NJ.

Attorney: Francesca, you are licensed as a NJ Realtor and your license is in good standing?

Realtor: Yes.

Attorney: How long have you been a realtor in the North Jersey area?

Realtor: Since 2016; 8 years.

Attorney: You are fully familiar with the subject property and have been there and examined the property and the surrounding areas. Is that correct?

Realtor: Yes.

**Attorney:** Did you have an opportunity to do a survey of the Ringwood Avenue, both for available commercial and residential properties?

**Realtor:** I have.

**Attorney:** Would you please give the Board the benefit of your analysis of the current situation with commercial starting with that first.

**Attorney Mondello:** Mr. Barbarula, you are obviously offering here as a Fact Witness, not an expert.

**Attorney:** She is testifying as to what is there, how long things have been open, how the availability and non-availability and then we are going to go into residential with the same thing. She is a Fact Witness.

**Attorney Mondello:** Fair enough and I'm sorry for interrupting.

**Realtor:** Currently, I went back one year to give reference point. Right now for lease for retail there are only two available. Leased in the past year one and that sat on the market for 90 days. Two expired in the last two years; they weren't leased. The two that are up for lease; one was actually expired and then relisted to make it fresh. It's a little trick we like to do whether sales or retail. The other retail that is up for sale, they've been actually trying to sell that building for some time and the business as well since like 2021/2022. They listed the business itself for sale in June 2023 and it's currently sitting under contract for some time but still not closed and they now just recently listed the retail for lease.

**Attorney Mondello:** Basically what you are saying is that the commercial real estate business is not booming.

**Realtor:** No, it is not.

**Member Covelli:** I don't know, all the politicians tell us that the housing market is wonderful and booming.

**Attorney Mondello:** But she is saying commercial.

**Realtor:** This is commercial, so retail is totally separate. They could be talking about industrial, which is definitely booming.

**Attorney Mondello:** Warehouse.

**Realtor:** Yes, but retail or office is kind of up in the air because of the changes since covid and technology. Everyone works from home. They don't really need the brick and mortar. They don't want that expense if they don't need it. For sales, in general, not much as well. Only two physical sales as in a whole building, a commercial retail office, two of them sold in the last year. One is active. Again that has been sitting for 114 days and then seven were withdrawn.

**Attorney:** If something is withdrawn, that usually indicates what?

**Realtor:** The seller pulled it off the market either for multiple reasons like lack of interest, it is not moving anywhere, but it is usually done by the owner.

**Attorney:** Now, what about the demand for single bedroom apartments?

**Realtor:** So with one bedroom apartments, there have been 14 that have leased in the last 12 months and there is currently 1 up for rent. There is interest in that. Those turn around and they don't sit very long. The longest one has sat on the market has been one month to two months. However, we like to, as agents, list them a little bit earlier before they are actually ready for a tenant to move in, so most likely they sat probably for about two weeks. We can't list it leased

until they actually take possession. So it will show it sat, for example, one sat for 60 days but the move in date wasn't until 5/15 and that is when they marked it leased.

**Attorney:** There is one outlier though that is based on price, right?

**Realty:** Yes. Relatively, they are all in the same price. The one that is sitting active is one of the luxury ones at \$2,250 a month for a one bedroom. All the ones that are more appropriate, all full within \$1,300 to \$1,800 depending on amenities, size and what they offer.

**Attorney:** This building, if it was approved by the Board to become two one-bedrooms, have you ascertained what the rental would be?

**Realtor:** I'd say probably around \$1,500/\$1,600 because they are newer. It has a nice area, the parking is good for the tenants and it is going to be a brand new unit.

**Realtor:** In terms of the difference between Ringwood Avenue commercial/retail and residential, what is the demand showing?

**Realtor:** Residential.

**Attorney:** Mr. Chairman, I submit Francesca for questioning by the Board.

**Attorney Mondello:** Any questions from Board Members?

**Member Farinella:** The retail spaces that haven't been rented, where are they located?

**Realtor:** The two that expired are on Ringwood Avenue. The two available are on Ringwood Avenue. The one that leased is on Ringwood Avenue.

**Member Aumenta:** What part of Ringwood Avenue; Wanaque or Haskell?

**Realtor:** The one that has expired was 566 (Wanaque), and then 636 (Wanaque) where there are two available and the one that has been trying to be sold since 2021 and then 1066 (Haskell), which is the Valentine Beauty Salon, and the other one is in the 600's (Wanaque).

**Attorney Mondello:** Any other questions? Hearing none, seeing none. Any questions from the public with respect to the testimony that Ms. De Alto just provided, questions and questions only? Hearing none, seeing none, next witness please.

**Attorney Mondello** swore in Tyler VanderValk, owner of Civilized Engineering, LLC located at 64 Valley Road, Butler, New Jersey, 07405.

**Attorney:** Mr. VanderValk, would you please give the Board the benefit of your education as well as your license?

**Engineer:** First off, I have testified before this Board in the past. I have a Bachelors in Civil Engineering from NJ Institute of Technology. I'm a Licensed Engineering in the State of New Jersey and my license is current and in good standing.

**Attorney Mondello:** Do you recall the application that you testified before this Board?

**Engineer:** I believe there were a couple. The most recent was probably the house over on Gorge Drive/Roger Avenue.

**Attorney Mondello:** Any objection admitting Mr. VanderValk as an expert in the field of engineering? Hearing none, seeing none, your witness.

**Attorney:** Tyler, you've been to the property and you've been the engineer on this project from the beginning, would you please give the Board the benefit of your engineering plan and we have a review from the Board's Engineer so when you go through your review if you would please address the Engineer's comments.

**Engineer:** The board I have in front of you this evening is the same that was submitted already as hard copies. This is dated November 13, 2023. I'll start off by just going around the surrounding area, and I'm sure our Planner will get into that in further detail, but of course we are at the intersection of Furnace Avenue and Ringwood Avenue, which is just a short distance north from our location here tonight. The lot is 40x100 rectangular lot and we are surrounded by a number of different uses across Ringwood Avenue. To the west, we have the theater property and then directly to the south of us, we have a mixed use and then south of that a strictly residential property, multi-family. Across Furnace Avenue we have a single family home and then beyond that to the north mixed use and then beyond that again strictly residential but multi-family. So we have a number of uses in the surrounding area. We are located in the Business District of the town. As far as the Site Plan goes, there is not a lot here. We are not proposing a lot of improvements exterior. This is really about the conversion of the interior use of the building. Essentially, we have the existing structure located close to Ringwood Avenue with the parking lot behind it, paved area. Today there is an office on the first floor, again as discussed in the opening, and there are two (2), two bedroom apartments upstairs. The intent is to convert the lower level to two (2), single bedroom apartments, while leaving the upstairs as it is. As part of doing that, we are going to make some changes to the façade of the building. We are going to step in that first floor slightly from the current footprint in order to support a ramp access to the front door. In the back, we are going to re-stripe the parking lot for the eight (8) spots. According to RSIS, two bedroom units and two one bedroom units we have a total requirement of 7.6 spots and we round that up to 8 and then the municipal ordinance has requirement of two (2) stalls for each dwelling unit, so we would be at 8 either way. We are providing 8 parking spots all be it that they are set up as tandem just due to the limitations of the lot. Each unit would have an assigned parking area where they could park one vehicle in front of the other and everybody has access to their own spots.

**Attorney:** Currently, there are 2 tenants in the upper level and they currently use tandem parking correct?

**Engineer:** Yes, that is the way it is set up today, but again, I don't know if there is a formal site plan indicating that, but it would continue to be the same.

**Attorney:** That would be as a pre-existing situation?

**Engineer:** That's correct.

**Attorney:** The Engineer made a number of reviewing comments about pre-existing conditions and variances if you can just go through that. Do you have his letter with you?

**Engineer:** I do have it here and I have the bulk table on the plan. Certainly, we can go through the zoning requirements. As I mentioned, it's in a Business District and there are a number of non-conforming conditions. Those are all existing, non-conforming and we are not furthering those by the Application. We are just simply changing the use within the building.

Those include: substandard lot area where we have 4,000 square feet where 10,000 is required; substandard lot width of 40' where 80' is required; front yard setback to Ringwood Avenue of 5.5' where 20' is required; and a front yard setback to Furnace Avenue of 0.7' where 20' is required, and it does become a little greater as we get towards Ringwood Avenue, but at its smallest amount

we have .7'; and the side yard which is located to the south of the property where we have 1.6' and 15' is required; we have non-conforming rear yard where in his table he indicates that we have less than 40' due to scale and I'm indicating on the plan we 41.8' so I believe we are okay in the rear yard; and building coverage allowable is 30% for the zone, where we are and again this table indicates 50.1% where I'm showing 45.9%, but either way that is an existing, non-conforming condition. We have a total of seven (7) non-conforming conditions that have to do with the building the way it sits today and the way it will continue to be. I would note that, as far as the front yard setback, while we are still non-conforming, and that setback technically isn't changing with that front wall the lower level stepping back, there will be a little bit of softening on the street level as far as the structure right on the street there.

**Attorney:** This particular building is years old. It has been there for quite some time.

**Engineer:** I don't know the date personally, but yes. I've drove past it for ten years.

**Attorney:** As to the existing conditions, we are not changing anything. We are going to upgrade slightly the parking lot, we are going to put striping, is there anything in the Board Engineer's letter that you are unable to address?

**Engineer:** There are a lot comments regarding the variances, which we have our Planner for. There is a question about lighting. There are two (2) doors on the back of the building, which each have a light by that door. We weren't proposing any changes. If the Board was looking for something more substantial, we would be open to that, but we are proposing just to leave those security lighting by the doors.

**Member Covelli:** Do you have any kind of rendition, architectural rendition, of what the front will look like since you are changing the appearance of the front and your changing the use of an office to a residence and how that would look because that is right on the main drag. You are adding a handicap ramp in the front, but you said there are doors in the back. Is there a reason why you are not putting it in the back as opposed to putting all of that hardware in the front of the building on the sidewalk?

**Engineer:** As far as the façade or the elevations that you are asking about, I believe only a Floor Plan was submitted. It is my understanding that all the siding is going to be redone, but I don't believe we have a rendering of what that would look like.

**Member Covelli:** Mr Barbarula, I wouldn't call striping a slight upgrade. I would call it maintenance.

**Attorney:** Okay.

**Engineer:** As far as access to the rear, any ramp would end up inhibiting the 8 parking spots so that's why we brought it around to the front.

**Member Covelli:** I know, but those ramps have an awful lot of grade to them and they are intrusive, very intrusive. They are necessary but they are intrusive and if that's going to be right on the sidewalk aesthetically, and you're saying you are changing the front of the building, I don't understand how you are setting it back. Does it have to do with the fact that the doorways are recessed from the steps?

**Engineer:** Correct.

**Member Covelli:** So that's not a structural wall where the windows are?

**Engineer:** I can't speak to how he is going to do it structurally. I'm sure Mr. Cutillo has investigated that properly, but we are stepping back that wall.

**Member Covelli:** Basically, the doors would be the front of the building?

**Engineer:** No, a portion of it is staying. Do you have the Floor Plan in front of you? So on the left side you can see that front left corner is actually staying and then after about 6' or 8' or so, it is stepping back for the porch area, but the second story is going to overhand that porch. So the second story is staying at the same limit.

**Attorney:** The ramp does not come out on the sidewalk; it cuts into the building, correct?

**Engineer:** There is a portion of the ramp that comes out forward of the building. So half of the ramp is within the current footprint and then half of it is out front, but it is not in the right-of-way certainly. It's on the property.

**Attorney:** This is mandated.

**Engineer:** Correct and you can see we still have substantial sidewalk between that ramp and the curb line.

**Member Covelli:** Is it safe to say that the reason the building has four (4) doors, is the two front doors would be one door for each unit on the first floor and the two doors in the back are for the units on the second floor?

**Engineer:** So from my understanding reading these plans, you have three (3) doors in the front. You have two that face the street and then you have one that is in the front left corner. That front left corner one goes up to an apartment upstairs and then you would have one door to access the upstairs unit at the back.

**Member Farinella:** So the ramp that you are installing will be used for both of the apartments on the first floor?

**Engineer:** Correct, and that same thing can access one of the second story units but obviously the ramp isn't very useful for that.

**Member Covelli:** I'm not seeing where the side door is. When you looking at the picture on the front of the architectural, the bottom picture is the front of the building, with the two doors.

**Engineer:** Yes, but see where it says "new porch", if you look directly to the left.

**Member Covelli:** Oh, you would be adding a door. It doesn't exist as we speak.

**Engineer:** Correct. I apologize, so we are adding that third door to get upstairs and the one door on the back goes upstairs as well and the second door on the back would simply be another alternative access to Unit 1, so Unit 1 would be accessed from both the front and the back.

**Member Covelli:** So you are adding a door.

**Engineer:** Adding a door at the front.

**Member Covelli:** That adds tremendous clarity.

**Engineer:** I'm glad. I apologize for the confusion.

**Engineer:** I'll continue through the Board Engineer's report. Again, there are some additional planning comments so I think the lighting was really the only engineering related item. The only thing I would add here, obviously parking is always a concern, and the one thing I want to point is, if we look at the building in its current condition, what would be the parking requirement? I ran that calculation at 1 stall for every 200 square feet of office space or retail and that requirement would come to 8.7 plus the 4 parking spots for the upstairs units which already exist, so 12.7 rounded up to 13. We are essentially taking a requirement from 13 and bringing it down to 8, which is what the site supports. I believe this is good planning from that perspective since essentially we are getting 5 vehicles off the street parking and we are continuing all our parking on the property. That is the only thing I would add in closing.

**Attorney:** The commercial use brings that much more intense in terms of parking.

**Engineer:** Parking, trips to the site, yes.



**Member Bonner:** How do you think co-efficiency of parking when you're looking at square footage, you looked at a whole bunch of dynamics to figure that out, but when you now put a car in front of another car, you make it much less efficient. How do you rectify that in terms of additional parking?

**Engineer:** That's a good question, but I think in this case specifically where we have 2 stalls per unit, that can be arranged with the people that live in that unit. If you have a couple that each have a vehicle, hey I'm leaving first tomorrow, this is no different than in a residential driveway where it's not uncommon that you only have one car width, you park behind your wife, or you park in front of your wife, and you organize accordingly. This is really the same idea where each unit has the 2 stalls, whereas in a set-up where we have the office, that's a different story because the person who comes in early is probably leaving earlier but somebody parked them in, right, so this is actually cleaning up a potential issue because it's an existing condition. They are parking that way today.

**Chairman:** Have you addressed the fact that maybe one of the tenants has a big truck that doesn't fit in a 9x18 space?

**Engineer:** As with any rental property, people that come to it and say, is this the unit for me, that's something that they need to consider themselves especially if they may have a big F350. If they know that going into it and they know what's available, then they already know the answer to that question and maybe it's not the unit for them.

**Chairman:** What about snow removal?

**Engineer:** Again, it is the same scenario as today. Whatever they were doing, they'll continue to do. We are not changing something that makes this a more difficult scenario. They are a few things that we are making better than I highlighted and then there are some difficulties and challenges that have to do with a small site regardless whether the Use Variance is approved or not.

**Chairman:** All right, but if you have a situation where your tenants upstairs use say four parking spaces. The lawyer's office when Mr. Barbarula was there, his client's come during the day when tenants are at work and at night they are not there but the tenants are going to be there. You have snow, which is an issue, trash and recycle. Right now recycle and your garbage bins are against the back fence. If everybody parks perfectly straight that's an issue. How do you figure trash and put your recycles out? Where do you put them? You can't put them in the driveway because you have a 40' road cut so you have to put them out on the sidewalk and I guess they are picked up on Furnace not on Ringwood Avenue.

**Engineer:** Right. There is some gaps on either side between the striping of the building and the striping of the fence to the east. But the other thing I would say, I understand your point about not necessarily overlapping the users and it's an argument that's been made for a long time, but the reality is that more and more people work from home that's not necessarily the case anymore. There's also a lot of two days a week and three days a week. It is hard to predict that at this point but even the office space, on its own, was more than an 8 spot requirement. We could leave the residential side, I still didn't have enough. As we hear all the time, if it works for user doesn't mean it'll work for the next one. You don't know what retail space is going to come in here, you don't know what office space is going to come here. I'm just going by the standards, that is our guidance here.

**Member Farinella:** I'm confused when Frank was talking about the ramps and things in front of the building, but we haven't talked about any handicapped spots in the parking area. If we don't have handicapped spots in the parking area, what is the purpose of those handicapped ramps in the front of the building? To me, it would be an eyesore on Ringwood Avenue to see those large ramps in front of that building plus two doors. I don't see a reason for those ramps if there is no handicapped spots.

**Engineer:** I don't know if we want the Building Inspector to weigh in on this. But my understanding from talking to Jim Cutillo, the Architect for the plans, and this was something I brought up early on, the point he made is, when you're doing modifications or altering the building, so we are basically tearing out the first floor and redoing it, it is now subject to the requirements. We have to have the ADA access. Whereas the parking lot exists. We are simply, as you said, maintaining it. We are restriping it. It is a little bit different. We are not building a new parking lot and we are not expanding the parking lot. That was my interpretation of it and so the ADA stall would not be required.

**Member Aumenta:** You have tandem spots, you have ADA ramps and there is no way anybody in a wheelchair is going to get in and out of the spots, at all.

**Member Covelli:** And they have to come around the whole building.

**Attorney:** The requirement really doesn't make any sense. Because if it made sense, they would require you to put it in the back and then put in an oversized parking space. That is not required since it is actually 50% of the building, and I don't think the Building Inspector would give us a permit unless we comply. That building is over 80 years old because I think it was the post office before it was Mr. Cohen's office, before it was the accountant's office.

**Chairman:** It pre-dates zoning and that would explain the property lines. That's why nothing makes sense in today's zoning and that's why it is difficult to deal with these buildings, but a handicap issue is very important because if you have a handicap unit.

**Attorney:** The first floor will have to be accessible.

**Chairman:** I'm handicapped, I have a sticker on my car so where do I park?

**Attorney:** You can park anywhere you want. However, if there is a handicapped tenant, they would have to have one of the first spots at the back of the tandem. You can go by there now, and if you want to swear me in I could tell you what happened in the year that I was there. Seriously, if you would like to get answers from somebody who was there and had the experience of what the problems were, I have no problem answering anything under oath. Everything I say is truthful because I'm an Officer of the Court. I can tell you what happened if you have a deposition, it's impossible. Eight separate cars, the neighbors on Furnace did not like me that day.

**Chairman:** And on Furnace, you can park during the day.

**Attorney:** Right, all the way down.

**Chairman:** No, there is a driveway almost next to your property.

**Attorney:** But you can park all the way down to the driveway to the First Aid. You can park on that street too.

**Member Aumenta:** You wouldn't want somebody handicapped parking all the way down there.

**Attorney:** It's ridiculous. You had to go three blocks. But these are requirements that we have to address.

**Chairman:** Let's go back to the snow. We haven't had a lot of snow in a while.

**Attorney:** We can have the Owner testify as to what they do. I can't.

**Chairman:** Basically, if you got eight cars stuck in there, and it snows overnight, he's the owner and he has a problem.

**Attorney:** I'll swear him next and he can tell you how he resolves this problem.

**Attorney Mondello:** Let's save that question for the Owner.

**Member Bonner:** We have a unique ability here that we have an Architect that's done a plan, what is the highest of issues in this site in your opinion?

**Engineer:** I'm not a Planner but just from the restrictedness of the site. Like I said, from the parking condition, let's start there, the use that we are changing it to is appropriate for the standard. We are taking it from something that's too intense from a parking perspective and we are lowering it to what would fit there. From a dollar sense perspective, that's not my business.

**Member Bonner:** How do we best define the road to a city?

**Engineer:** I think these are great questions for the Planner and I'm sure she's got the testimony lined up.

**Attorney Mondello:** Any other questions for Mr. VanderValk from the Board?

**Engineer Nash:** I'd like to address that rear yard. If you look at your plan, in the rear you are showing a deck, so that's a covered deck on the second floor. It's covered and enclosed on the sides. You can see it on street view or any of the pictures. So I would measure the rear yard from that portion of the building and it's less than 40.

**Engineer:** For purposes going forward, we'll agree with your number just because it is probably simpler.

**Engineer Nash:** Yes. Lastly, it's not a question but a comment. So Mr. VanderValk's started a year ago and his company is Civilized Engineering. Way back 35 years, a young fledgling Chris Nash Engineer created a company called Civil Engineering Incorporated. That name has been sold because it's a nice general name for an engineering company and there are on Route 46 in Budd Lake.

**Engineer:** Yes, I think I had a conversation with him where he was not happy that the name was so much similar.

**Attorney Mondello:** Fair enough, any other questions from the Board. Hearing none, seeing none. Any questions, and questions only, from members of the public on Mr. VanderValk's testimony? Hearing none, seeing none, next witness.

**Attorney Mondello** swore in John Geleski, Principal of the Company, (the "Owner"), 21 Morris Avenue, Wayne, NJ.

**Attorney:** You are the Principal of the Applicant is that correct?

**Owner:** Yes.

**Attorney:** How many years have you owned the building?

**Owner:** I think two (2) years now.

**Attorney:** At the present time, you have two (2) residential tenants?

**Owner:** Correct.

**Attorney:** Before you, they were residential tenants, correct?

**Owner:** Yes, correct.

**Attorney: On the first floor originally, prior to buying, there was an accountant, correct?**

**Owner: Correct.**

**Attorney: Now, in the last two years we haven't had a huge amount of snow, but could you explain to the Chairman how you plan on getting rid of snow considering the size of the parking lot and where we are located?**

**Owner: Yes, it's very simple. So like I do with all my other properties, I have a snow management company that comes in, and usually I tell the tenants the day when they are coming to clean up the snow to move their cars, They come in, they plow, salt and shovel it and then tenants move right back in once they are finished. For that property, the past year, maybe we had like two or three snowfalls, we had no problems with the company and the tenants moving their cars into the street and then clearing up the snow and going right back in. It's been that sort of deal and I do that with every other property.**

**Attorney: And the property has a contact for emergency services, such as ice storms, or whatever else, they can call.**

**Owner: Yes.**

**Attorney: And you have a company that provides that for a number of buildings that you own.**

**Owner: Yes, absolutely. Any sign of ice storms, they automatically come the night before, they salt it.**

**Attorney: So let's take the scenario that the Chairman indicated if all eight (8) spaces are taken. Would the company come in and hand shovel to remove the snow.**

**Owner: Yes, they would hand shovel in between the cars if the car cannot be moved. Like our agreement.**

**Attorney: No do you have with that company a contract that says get rid of the snow since there is no place to stack it there?**

**Owner: Yes.**

**Attorney: There are a number of garbage cans and recycle cans that are along the back fence between you and the adjoining properties, is that correct?**

**Owner: Yes.**

**Attorney: That is for the commercial and residential tenants?**

**Owner: Yes.**

**Attorney: That is where you intend to still keep the garbage cans?**

**Owner: Yes, we can keep it all inside a fence. There is also that back porch underneath that we could also keep the garbage cans where they have a little bit of access to take them out and store them as well.**

**Attorney: Your tenants bring it out to Furnace Avenue?**

**Owner: Yes.**

**Attorney: It is part of their leasing arrangement that they take the garbage out?**

**Owner: Yes, it is their responsibility.**

**Attorney: They also have to take care of the recycling.**

**Owner: Correct.**

**Attorney: There was a comment from the Engineer referencing the lighting. Have there been any issues with lighting in the last couple of years that you've owned the building?**

**Owner: No, no issues regarding lighting. If we require more lighting on the property, I'm more than open to install and update it.**

**Engineer Nash: I was just questioning what the lighting was. I wasn't suggesting increasing it.**

**Attorney: At the present time, there is lighting over each door, is that correct?**

**Owner:** Correct, yes.

**Attorney:** I have no other questions. The Owner is here to answer any of your questions.

**Chairman:** So the snow people come take the snow away? They bring a dump truck, load the truck and take it and dump it somewhere else?

**Owner:** Well, yes, if they can't find any place to store it. Our property is limited so yes they'd take it away.

**Attorney Mondello:** Any other questions for Mr. Geleski for the Board?

**Member Bonner:** Have we heard from the Health Department concerning the garbage? Do they have to approve the containers, location, etc.

**Chairman:** That's a good question too. With the increase in tenants, how many more garbage containers and recycle containers do you expect to put back there?

**Owner:** Usually we keep about one (1) regular garbage and one (1) recyclable per unit, so there'll be a total of eight (8) cans on the property, which is more than enough space.

**Attorney:** Currently there are seven (7)?

**Owner:** Currently there are six (6) I believe.

**Attorney Mondello:** Anything else?

**Member Covelli:** I guess what my concern is that you are asking us to grant you a variance. You are right on the main drag and my fellow Board Members know that I'm very sensitive to what is this going to look like? Because you are granting you a permanent exemption from the Ordinance that runs the life of the property. So we have one bite of the apple to make an improvement which is why I jumped on Mr. Barbarula because I like to do that to him every once in a while. Painting a stripe is maintenance; that's not an upgrade. You have a building that is very dated looking, you are changing the front of the building, but yet we don't have any idea, and it could meet every code, but it could be one of the ugliest things you've ever seen. It doesn't matter if it meets the code, that is his job. When people drive up and down Ringwood Avenue, and my fellow Board Members will remember me saying this, someone is either going to look at your building and they are going to say that's nice, or they are going to say who the hell approved that.

**Owner:** I agree with you.

**Member Covelli:** But either of those statements we are stuck with forever. Legally you could do that and we are powerless on our main drag, the face of this community, but you've given us nothing to see, but I'm changing things but trust me it'll look good and it'll meet the code, don't worry we'll get a permit, and I'm going to improve the parking lot and paint a stripe, what are you doing for us to improve the appearance of the building? I have nothing in front of me to show me what you're doing.

**Owner:** I could provide you with elevations of the building and renderings from the Architect.

**Member Covelli:** We need some renderings. You're adding ramps, we've got doors moving, hidden doors become visible doors, everything this happening and I can't see it, but you want me to vote about making a permanent improvement for the rest of eternity.

**Owner:** I agree with you. I'd want to have a building that is aesthetically pleasing to the town because it is on the main street as well.

**Member Covelli:** There are all residents around there and they all have to look at what you do for eternity.

**Owner:** Absolutely. I completely agree with you so I will provide you with elevations and renderings. That is not a problem.

**Attorney Mondello:** So Frank, why don't we do this. Let's certainly conclude the application with no vote this evening and we'll carry it to the next meeting.

**Member Covelli:** I'm going to go as far as to say I'm inclined to say yes, but I want to see that we are doing something positive to our main street.

**Owner:** Absolutely. I completely agree.

**Member Covelli:** You're the property owner and you have a right to maximize the use of your building, but we have to have an assurance that we are not adopting the next monstrosity to hit the community.

**Owner:** No problem.

**Attorney Mondello:** Understood.

**Attorney Mondello:** Any other questions for Mr. Geleski with the understanding it is going to be carried and you are going to provide those renderings or renditions to the Board.

**Member Covelli:** I want to see exactly what it is going to look like.

**Owner:** No problem. I will provide that. I completely agree with everything you said.

**Chairman:** Looking at the Architect's plan, the stairs on the north side of the building that go upstairs, they stick into your parking area, sort of, the measurement that's almost to the property line almost to the fence is 36-1/2'.

**Attorney Mondello:** Do we need to bring Mr. VanderValk back? I'm not sure Mr. Geleski is the appropriate witness.

**Chairman:** No, he is going to have to deal with this. VanderValk made a fine plan and everybody is happy. The Owner has to deal with this in the future. If somebody buys a big SUV, you need more than 18' forget the Ford Truck, every manufacturing is making these larger SUVs, they are going to have trouble parking under there.

**Owner:** So currently those two parking spots that are in front of the doorway, is for that send floor tenant. They have small vehicles right now. I'm not saying that any future tenant will not have a truck, but it's like Mr. VanderValk said.

**Chairman:** You want to rent this out and you have to. You have a debt service there that you have to pay off. I understand where you are coming from. But, parking like this is problematic because you can't tell if all of the sudden I want to buy a Chevy Suburban, that sucker is 19-1/2' long. How does it fit in there and its wider?

**Attorney:** But he won't. He won't fit there and one of the things we could do is, the ones that are up against the building, we could label it as "small cars only". It is going to be a self-regulating situation. If you have a tandem, a big huge truck, you can't fit there.

**Owner:** Usually, as well, with any of my other properties, I do have like a vehicle requirement since there are limited spaces. Usually, trucks, even if the tenants come in and try to look at my apartment, and they a truck, I tell them there will be no trucks allowed on my property because of the limited space.

**Chairman:** So basically you have to turn away renters.

**Owner:** Yes, but I have no problem finding other renters.

**Attorney:** The one bedrooms are something is a great attraction and it can be limited that we put in that this is for “small vehicles only”. Since its maintenance, we could have them put “compact vehicles only” up against the house.

**Chairman:** You have four (4) tenants in there. They have friends and family that want to come visit. Where do they park?

**Owner:** There is street parking available any time.

**Member Covelli:** Furnace Avenue.

**Owner:** Furnace Avenue and also in front of Ringwood Avenue as well. The front section in front of Ringwood Avenue has parking space. There is actually a sign there.

**Attorney:** I almost fell over. You go park on Ringwood Avenue there. The first time somebody did it, I couldn't believe there is allowed parking on Ringwood Avenue. Ringwood Avenue doesn't have the restriction that, I believe, Furnace has.

**Chairman:** No, because it is a county road.

**Member Ludwig:** What's the restriction?

**Attorney:** Furnace Avenue, I believe, can only be during the day. I think that is your Ordinance there. I don't believe there is any overnight parking on Furnace Avenue, and then Ringwood Avenue is governed by Passaic County regulations.

**Chairman:** That's changed a lot of that and that may change again because as we evolve and everybody's got bigger vehicles and the streets don't expand. Wanaque has a history of building substandard streets. Nothing we can do about it. Ringwood Avenue is one of the widest roads in the whole town and it's the county road. Our basic streets 30' to 32' instead of 50'. That was the right-of-way from day one. But this creates parking problems all over the Borough and there is no easy way to address that, but it creates a hardship for snow plowing.

**Attorney:** The ambulance corps is back off of Furnace and it seems there are a lot of people end up parking there. At least that was my experience over the year. I would walk back there during lunchtime and wonder where did all these cars come from.

**Chairman:** No you have the Passaic County Hike & Bike Trail being built, which is going to change a lot of traffic in the northern part of Wanaque.

**Owner:** I just like to add that these one (1) bedroom apartments usually only have a maximum of one (1) car. With experience with all my other one bedrooms in other properties that I own, there is one car about 90% of the time that they are coming in with.

**Chairman:** That's hard to believe because most wives, women and girlfriends want their own car.

**Owner:** Usually it is one (1) person renting these units too, like single parents.

**Chairman:** Really, okay.

**Attorney Mondello:** Any other questions for Mr. Geleski from the Board Members?

**Member Aumenta:** I just have a comment that I looked on the street view and the sign says One Hour Parking in front of the building so you can't park there for long term; it's just one hour.

**Member Covelli:** I think that was a remnant from when it was a commercial building.

**Attorney:** I believe it is. I don't know how the accountant operated when they had all the people when it was in person when you did everything because it doesn't work as an office. I can tell you that because you have your staff so that's four parking spaces there and then as soon as you have anybody else you have six to eight. I believe you are probably right. It probably that One Hour was because it's commercial on the first floor.

**Member Aumenta:** Ringwood Avenue is One Hour parking and Furnace Avenue is parking whenever following the Snow Ordinance.

**Attorney:** I believe Ringwood Avenue has that because it was originally always supposed to be stores, restaurants and stuff like that. If you look now, the Mexican Restaurant went out of business; three doors down.

**Member Covelli:** The family had trouble. That was a family business and they were doing very well.

**Attorney:** Just to try and go across to the deli and get a sandwich is an adventure.

**Member Covelli:** I live on Ringwood Avenue and I know all about the adventure.

**Attorney Mondello:** Any other questions from the Board for Mr. Geleski? Hearing none, seeing none. Any questions, and questions only, on the testimony, from the public, that Mr. Geleski has given thus far? Hearing none, seeing none.

**Attorney Mondello** swore in Donna Holmqvist, CEO and Founder of Preferred Planning Group LLC, 110 Chestnut Ridge Road, Suite 192, Montvale, NJ.

**Attorney:** Donna, will you please give the Board the benefit of your education and your licensing please?

**Planner:** I have been licensed as a Professional Planner since 1990 and that is also the year I was admitted to the American Institute of Certified Planners. I graduated Rutgers University in 1985 with a B.A. in American Studies and a Concentration in Urban Planning. I have a Master of Urban Planning from New York University. I have been working as a Professional Planner in New York State and New Jersey since 1985. I founded my own firm in 2018. I am on the Board of Planning Advisors for NJPO. You might see some of my articles in there. I did one on sober living. In addition to representing applicants and doing some opposition work, I've been retained by the Borough of Emerson in a Federal Court Matter, and I've also testified in Superior Court as well as Tax Court in New Jersey.

**Attorney:** You are also the Planner in Riverdale.

**Planner:** Yes and also in Englishtown in Monmouth County. I've qualified as an expert before probably 130 municipalities through the State of New Jersey. The ones in Passaic County that I've testified in front are Clifton and the City of Passaic.

**Attorney Mondello:** Does the Board have any objections to admitting Ms. Holmqvist as an expert in the field of Planning? Hearing none, seeing none, your witness.

**Attorney:** Can you please give the Board the benefit of your examination of this property? You've been to the property and you've been to the area, you have prepared a report and I'd like you to give the Board the benefit of your examination of this property and whether or not it is appropriate to deviate from the existing uses as indicated by the Master Plan of the Borough of Wanaque and our application.

**Planner:** I am going to summarize some of the findings in my report. My report was dated January 12, 2024 and I have these exhibits enlargements of the figures that are at the end of the report. They are identical to what is in the report.

**Attorney Mondello:** We will mark this as Exhibit A-1 – Colorized Zoning Map of Area/Figure 2.



**Planner:** I am going a little out of order compared to what they are in the report. This one I have up in front you is entitled “Zoning”, but in the report it’s “Figure 2”. Just to orient the Board, the area that we denoted as the study area, we went basically from Stephens Avenue southward to Melrose. When we were looking at the existing land uses, the zoning classifications and the particular details of the neighborhood that would make this particularly suitable for, I’d call it “adaptive reuse”; the conversation of the ground floor commercial to residential. You can see the majority of the area we denoted in the B Zone, the Red Zone, and there is an area north of Furnace that is the MRA. I took a closer at your Zoning Ordinance today and discovered that the MRA actually extends south of Furnace Avenue and that is listed in §114-14.11 in your Ordinance. There are areas designated in that section of the Code that talk about the MRA, which is the Midvale Redevelopment Area, and the Block and Lots that, we probably should have colored blue, but we have as red that are south of Furnace Avenue. The ones that are in the MRA Overlay is Block 231 and that would be Lots 5.01, 7, 8, 9, 10 and Lot 5. As you know, one of them has redeveloped the one on the southern end and is known as Rhinesmith Apartments and I believe that area that I just spoke of was called Rhinesmith School Redevelopment Area. It is significant, this MRA Zone, because it is designated in your 2010 Master Plan Re-examination and, as your Engineer pointed out, there are stipulations of a one acre for the residential redevelopment. But I think it is very significant that some 14 years ago, the Borough saw fit to create a policy and a zone for residential redevelopment on the opposite side of Ringwood Avenue from where this site is.

**Attorney Mondello:** We will mark this new exhibit as Exhibit A-2 – Colorized Land Use/Figure 1. **Planner:** This one is also in the report. This is entitled Land Use/Figure 1. I should also indicate for the Board that our base mapping for these Exhibits is from a company called Near Map and we subscribe to that and they have very frequent aerial imagery and what we used for this Exhibits is September 2023. I believe they are still accurate. I don’t think anything has changed. What we did is we color coded the properties in the study area that I just explained to you the boundaries of. What you can also see here outlined in the magenta is the extent of our study area. We looked around at what the existing uses are and we color coated which is non-conforming as residential that’s in the B Zone. That is what the dots represent. Basically about half of the properties in the study area are residential and so I don’t think we are introducing anything out of the ordinary into the area. Residential use on the first floor will be entirely compatible and consistent with the land use pattern that I have observed during my visits to the study area. Two of the apartment complexes on the opposite side are relatively new. You are familiar with them. What stood out to me when I walked this study area along Ringwood Avenue and I went around the block and up the other streets, the residential properties are really, what I would describe as, thriving. They looked well-maintained, they seemed very occupied and they seemed to be doing very well. When I look at the ground floor commercial in this study area, I would describe it as not thriving. I saw windows that had paper over them and, I think further to the south, there is a thrift store. It is a little bit confusing and, as a Planner, I’ve looked at land uses for forty years in my career, so I’m pretty astute at determining what the land use is. There were a couple of ground floor spaces that I really was not 100% sure. I had to walk past many times and it is because I couldn’t really see what was in the first floor. It looked like maybe it was vacant. So, long story short, I think the Borough has a golden opportunity here to kind of take the bull by the horns. I understand the aesthetic concerns expressed by the Board Members and those are very

valid and the Applicant is more than willing to provide elevations and a depiction of how the aesthetics will be improved on this property.

Turning to the zoning analysis, our Engineer spoke of the six or seven non-conformities. Those are outlined in your Borough Engineer's Report. We are not exacerbating any of those non-conformities. We have an undersized lot for the B Zone and we have other non-conformities regarding lot width, front yard setback, the maximum building coverage and one of the side yards. As far as the zone standards for apartments in the B Zone, and this is §114-12A.(7), the code stipulates certain requirements. Obviously, nothing residential on the ground floor if the building fronts on Ringwood Avenue so we are in violation of that. There is also another requirement that apartments need to be 750 square feet. One of our existing apartments is 725 square feet and we propose to keep that so a very small differential of 25 square feet and I think we are consistent with the intent of the Ordinance which is to provide a minimum living area. There is a side yard requirement of 15' and we have the existing side yard at 1.6'. The building is the way it is and we are not exacerbating that non-conformity. As I said, we are on Ringwood Avenue and this use is not permitted on the first floor so we need a Use Variance. The Ordinance also requires a compliant side yard but, as I said, we have an existing non-conformity. The neighborhood character as I described from the Exhibit is over half residential. I'll just go to the last Exhibit now.

Attorney Mondello: We will mark this new exhibit as Exhibit A-3 – Colorized Residential Uses/ Figure 3.

Planner: What we did is we took some photographs of the areas that you see numbered here 1 & 2 and on the opposite side of our area on Ringwood Avenue 3 & 4 and tried to depict what I just described to you that the residential uses seem to be thriving and these are also in the report if anyone has the report. In the bottom left picture on #4, there is a structure attached to another structure with a brick and that was one of the ones that I walked past a few times and you can see it has, what I would consider to be retail style windows. They are very large but, again, the windows were obscured either by draperies or some other covering. That's not optimal for a neighborhood and I think it is evident that the buildings are transitioning towards residential use. That is where the demand is and that is why we are before asking for a Use Variance.

The Master Plan for the community is from 2010. It is more than 10 years old. The Land Use Law does stipulate that this be re-examined every 10 years. I don't know if the community is in the process of looking at its Master Plan, but that is important because it forms the foundation for the zoning. There is also something in the Land Use Law that talks about, which is called a rebuttable presumption, that if the community hasn't updated its re-examination within 10 years, there is a "rebuttable presumption" that maybe the zoning regulations are no longer valid. The goals that are in the Master Plan that are relevant to our proposed Use Variance is one of them calls for a variety of residential densities to allow for varied income ranges. I was at a conference this morning, and it's a three day conference, and it's a joint conference by NJ Future and me, American Planning Association New Jersey Chapter. One of the sessions was called missing middle and this is a term that is being used in planning and housing and it basically pertains to housing structures of between two and four units. Not many of these are being built any more. It is pretty much either single-family or multi-family and multi-family of many units, maybe 25 units. We are not really seeing people build structures of this size and scale anymore. It is really important to understand that this Applicant wants to work within the existing structure. He is not assembling properties along Ringwood Avenue to build a very big structure. He is working within

the perimeters of the existing building. All we are doing is converting the ground floor to two (2) additional units so bringing the site from two (2) residential units to four (4) residential units. This missing middle housing of two to four units is very significant because a lot of people, the ones that Applicant spoke of, are single households. There is a demographic trend towards to single households and no children. It is very different than maybe what started 20-30 years ago. We have a lot of single households and this missing middle only fills the need for those types of households. I agree with what the client said that they generally only generate one vehicle so I do not think this is going to put any kind of burden on the Borough or the community or the neighborhood. The Master Plan called for residential use in that redevelopment area 14 years ago. So here we are 14 years later coming before you and, as a Planner, I am saying to you this area seems to be transitioning to me. We all know the pandemic and the changes in lifestyle and online retail buying and people running businesses out of their houses now. It used to be lawyers, doctors, architects, engineers, etc. I have clients now that I'm representing for a variety of uses that maybe, even 10 years ago were pre-pandemic, you would not have thought that somebody would be running this type of business out of their house but because of technology and cloud services, etc. and the coordination that can happen through the internet, a multitude of different businesses are being run from homes and that translates into a lack of demand for retail and commercial space as our Real Estate Witness spoke to you about.

For those reasons, I think conversion of the ground floor retail space in this property is entirely appropriate and reasonable. Part of what we need to demonstrate to you to grant a Use Variance is that we are advancing the purposes of planning. I would submit to you that we are advancing at least three (3) purposes of planning and that is cited from the Municipal Land Use Law, Purposes of Planning, that is in *N.J.S.A. 40:55D-2*. The first one I would submit to you is: (a) Municipal action for appropriate use of the property based on the foundation that I just gave you. I think this is an entirely appropriate use of the property; (e) Appropriate population densities. All we are doing is adding two units in an existing space and I don't think that is considered an over building or overdevelopment of property because we are working within the existing building perimeters; and (i) Desirable visible environment. The Applicant has just represented to you that he is committed to producing a building that upgrades the aesthetics of this area and he will produce those plans for your consideration.

My report had a section on demographics support and I'm just cite some of those for you. In Passaic County, the office and retail vacancies are projected to be about 15% to 28%. I cited the source of that in the report. There is also demographic information we get from ESRI, that's a geospatial and demographic analysis source that is used for market analysis and census information. We looked at the distance of a five minute walk. I didn't enlarge that map but it is in the report so you can see where that five minutes takes you out too. When we look at the housing, and that is within a five minute walk, a lot of was constructed 1939 or earlier. I think the number comes out to be about 54.6% and that's quite old. We are going to be renovating and upgrading the housing is provided in this building so I see that as a benefit to the neighborhood given the age of housing stock. As you know, the housing need is a regional need for what is no longer COAH, but affordable housing, and they are now referring to it as Oral Doctrine. Those new numbers will be coming out in October of 2025 so according to the State of New Jersey the need never goes down. There is always a need for more and more affordable housing and that is where this missing middle 2 - 4 unit structure is, I think, underserved in the State of New Jersey. Any expert that speaks at the conferences that I was at will say the same thing. Those units have largely been destroyed in the State of New Jersey as redevelopment has taken place. That isn't

what this Applicant is proposing. He is proposing to retain the structure and work within the perimeters of the existing structure.

**Attorney Mondello:** Along those lines, is there an affordable housing requirement for this particular site?

**Planner:** I don't think so because we only have 4 units.

**Planner:** I bring that up only in case the Board was not aware these new numbers are going to come out and that is going to be the Fourth Round Obligation.

There was another report I came across in northjersey.com. and this was from March 11, 2024. Our Real Estate Witness talked about vacancies and occupancies. This article says that New Jersey rental occupancy is about 96% and that corresponds with what our witness said about not being a lot of available rental housing in the Borough. That article also supports what she said. On the average, a vacant apartment is only on the market for 38 days. When I listened to her testimony, I read an article myself that supports everything she said. On Zillow Rental Manager, I looked at that for Jun 3, 2024 and it stated that the medium rent in Wanaque is \$2,800 a month and, at that time on Zillow, there were only three available units. It is an extremely tight market and I would expect the rent in a missing middle 2 - 4 unit might be a little more reasonable than some of the more luxurious and lovely developments that are in Wanaque that have many amenities and so forth and so on. That obviously serves a market segment as well, but not everyone has the earning capacity to live in a luxurious development and still they want to be in Wanaque.

Turning to the statutory criteria, for a D-1 Use Variance, we need to show you that we advanced the purposes of planning and support the general welfare because the site is particularly suited to this use. Again, we're taking an existing building and just renovating and converting the ground floor. I emphasize that residential in this study area, in my opinion, is the thriving use, and the commercial uses are suffering a bit. The negative criteria we need to demonstrate to you that there will be no substantial detriment to the public good and no substantial impairment to the intent and purpose of your zoning plan and zoning ordinance. Again, I mention that the Master Plan is more than 10 years old, so that is somewhat of a concern. But most importantly, the policy decision in your 2010 Master Plan saw fit to designate the opposite side of Ringwood Avenue for residential development and a couple of those sites have redeveloped in a way that really compliments the corridor and I think benefits the community and the neighborhood as a whole. This Applicant would like to be part of that, what I'll call, renewal of this portion of the Ringwood Avenue corridor. I think that granting the Use Variance is within your prevue because we've satisfied the statutory criteria. This concludes my testimony before you.

**Attorney Mondello:** Thank you and a fine job. Any questions from the Board Members?

**Member Bonner:** Nicely done. When was the original Master Plan done?

**Planner:** The most recent one was 2010.

**Member Bonner:** Was that a full Master Plan or an update?

**Planner:** The title was "Master Plan Re-Examination".

**Member Bonner:** We're basing on numbers, our traffic numbers, our growth numbers, off something that is over 30 years old.

**Planner:** I can't speak to that but your land use policies are based on a document from 2010.

**Attorney Mondello:** It is supposed to be updated every 10 years, but it is about \$65,000 to do it.

**Member Bonner:** I tend to think that Ringwood Avenue is the worse possible roadway. I tend to think it is a blessing in disguise but I don't know what it is supposed to look like for the future and that's what a Planner might tell me.

**Planner:** As our Site Engineer gave testimony on, and I concur with his testimony, he talked about the conversion to 2 residential units would generate less trips in the peak hour and there would be less parking demand. So I think that when you are talking about what do we want this section of Ringwood Avenue to look, I think we want less congestion, we want to put missing middle housing, and I neglected to say that there are New Jersey Transit bus stops right at the site, which also make it wholly appropriate for this type of residential conversion.

**Member Aumenta:** In your report you have mentioned that NJ Transportation Authority stated that Wanaque's total population is going to increase by 2050. What do they use for that basis?

**Planner:** I couldn't tell you. They work on a lot of transportation projects with the federal government so I would expect that there are huge spreadsheets that go into their calculation.

**Member Aumenta:** I wonder if it is inflated since we are having all these new buildings built with more people coming into town.

**Planner:** I would not think they are inflated. That is a very reputable source for demographic projections in the State of New Jersey.

**Attorney Mondello:** Any other questions from the Board Members? Hearing none, seeing none. Questions from residents on the testimony you have heard thus far? Hearing none, seeing none. I believe that would be the conclusion but for the fact that Mr. Covelli and some other Board Members would like to see a rendition.

**Attorney:** Yes, that is our testimony and I'll reserve my summation. We have presented the entire Application. I believe your request for what the building is going to look like is appropriate. We were going to have our Architect here, but he got at Jury Duty.

**Attorney Mondello:** The courts are over at 5pm.

**Attorney:** That's the e-mail I received. I think that what we have to do, Mr. Chairman, if you would just carry this to the next meeting at 7pm and we will submit the rendering ten days before so you have it. I think that, whatever you have to do, you might want to give a message to the Mayor that 14 years is a little tough.

**Chairman:** We have addressed that.

**Attorney:** We have that problem currently going on in one of the towns I represent and Mr. Mondello is not too far off about the whole re-examine really costs. One of the things that you should be aware of, to answer your question about how they come up with it, the Affordable Housing Council, they have surveys and statistics and they have come up with the demand for people wanting to live in New Jersey and that's how it basically goes into this mix so that in 2025 many towns are going to be shocked because all of the settlements with affordable housing are out the window and a new mandate is going to be in the fall/winter of 2025. They are anticipating, despite the fact that New Jersey is in the top ten for the last five years of exits exceeding entrances, that the internal growth of New Jersey is going to increase to increase that much to meet that demand. Even though Wanaque is not a huge town, those numbers and I believe Donna is right, that they base it upon all of these statistics. Recently, I also to the State Convention and the

housing elements seminars on that are shocking. All you hear is exits exceeding entrances but they internal growth population is listed to be quite substantial. I don't know if they are right but boy they have done a lot of work on it and they have come volumes of material that makes you nauseous.

**Attorney Mondello:** We are going to carve an exception. We typically ask for comments when an Application is completely done, but I do see that there are perhaps two residents that may not want to come back.

**Attorney:** They are clients of mine and they are here to witness the proceeding and you don't have to worry about them coming back.

**Attorney Mondello:** Thank you for that. I appreciate it.

**Board Secretary:** The next meeting date is Wednesday, July 10, 2024, at 7pm.

**Member Covelli:** You need a resolution carrying this to the July 10<sup>th</sup> meeting at 7pm.

**Attorney:** You just need an announcement.

**Attorney Mondello:** Frank, if you want, we can have a Motion followed by a Second.

**Member Covelli:** And that there will be no further notification required. Everyone here at the meeting is hereby thus notified.

**Attorney Mondello:** Correct.

**Member Covelli:** That's my Motion.

**MOTION TO CARRY APPLICATION NO. ZBA2024-01 TO THE JULY 10, 2024 MEETING WITH NO FURTHER NOTICE:** made by Member Covelli, seconded by Member Sbarra. Voting yes were Chairman Dunning, Members Covelli, Lynch, Ludwig, Aumenta, Sbarra, Farinella and Bonner

**Attorney Mondello:** I don't think we are out of time, but if we need an extension for the Board to decide. I don't think we are near 120 days.

**Attorney:** I think it was deemed complete in April, so we are good. If you want something, just send me an e-mail and I'll take care of it.

**Attorney Mondello:** We'll take your word on the record. Thank You.

**Attorney:** I'll give you an extension anyhow. Not a problem. Do the professionals need to come?

**Attorney Mondello:** Whoever does the rendition should show up.

**Attorney:** I'll have Mr. Cutillo here.

**MOTION TO ADJOURN AT 9:27PM:** made by Member Lynch, seconded by Member Ludwig. Voting yes were Chairman Dunning, Members Covelli, Lynch, Ludwig, Aumenta, Sbarra, Farinella and Bonner