

REGULAR MEETING

Salute to Flag: 8:06pm

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, Bridget Pasznik, Peter Hoffman, Donald Ludwig, Michael Levine and Larry Malone, and Attorney Ronald Mondello

ABSENT: Engineer Christopher Nash

Attorney Mondello Swore In Donald Ludwig.

Application #ZBA2019-03 – Seifried & McAuliffe
35 Grove Street (Block 240/Lot 13.02)

Attorney Mondello: Attorney Walker I know you reached out to my office late today but I was stuck in Immigration Court for the majority of the day. Why don't you enter your appearance and the Members are going to explain some of the deficiencies that they see in the Application. It is my understanding that you may have to come back.

Michael Walker, Esq. of Ringwood, New Jersey, on behalf of the Applicants, who are here with my today and that is Linda McAuliffe and Joyce Seifried. We also have with us today a Professional Planner, Kenneth Ochab who will testify this evening.

Attorney Mondello: Mr. Chairman will you help me out with some of the things that you believe are deficient in the application.

Chairman Dunning stated there was an application package that was either given to the applicant or you have received which has not been properly filled out.

Attorney Walker commented he spoke to the Board Secretary and I was informed that the permission/consent to visit the property was not completed.

Chairman Dunning stated correct. Most of the pages aren't filled out from the application package. The big thing is that consent form because in order for the members to visit the property and walk the site, we need that consent form signed.

Attorney Walker apologized for that oversight and, again, I was not aware of that until I think yesterday or the day before and she essentially told me I couldn't do it at that point in time.

Chairman Dunning stated correct. The packets had already been sent out to the Members and you've got to give them a little adequate time to get on the property, walk around and see what we are talking about.

Attorney Mondello commented that every member of this Board actually goes out to the site and in some instances takes pictures on their phone. They really do their due diligence and without the members being able to walk the site, take a look at the site, kick the tires so to speak, I believe certainly the majority, if not the entire Board, is of the opinion that this matter is going to have to be adjourned.

Attorney Walker apologized for that. I was not certain if the Board Members actually visited the site without the actual consent form being submitted. When I spoke to the Board Secretary the other day, I understood that they may have visited the site anyway and we would be able to proceed this evening.

Chairman Dunning stated without the consent form, I wouldn't go. I understand it is a rental property so there is no owner there to talk to and ask permission to go on the property.

Attorney Mondello commented so if I'm the tenant and I don't know what is going on, I'm pretty upset if you are on my property.

Chairman Dunning had a couple other questions with this site plan. The site plan shows an easement of a driveway to a neighbor's garage. Is that registered on the deed of this property?

Attorney Walker answered it's not actually in the deed itself. I believe it might be in the chain of title. The most recent deeds I have are 2007 and 2008 and neither one contains a direct reference to the easement.

Chairman Dunning commented what is not shown here is the house fronting on 35 Grove Street, is that a single family or a two-family?

Attorney Walker answered two-family.

Chairman Dunning questioned where is the parking shown for the buildings on the site plan?

Attorney Walker commented we have a survey; it is not actually a site plan.

Chairman Dunning questioned how do we address parking issues?

Vice Chairman Grygus commented I don't think the Chairman's asking questions. I think what he is saying is these are the types of things that the Board needs to see.

Chairman Dunning stated that's correct. We need something on the plan to show the Board, so when they go look at the property, two-family needs four parking spaces.

Attorney Mondello commented so far, from my count, we are going to need the consent to enter the property and it appears that you are going to need some more information or some evidence of the easements that the Chairman just pointed to. He feels that this survey, and typically there is a site plan, not a survey plus, but a site plan. You may have

to go back to the drawing board and have your engineer or some other professional draft a proper site plan.

Chairman Dunning commented on other drawings that they usually show the 200' radius of surrounding neighbors and lists that on the drawing.

Attorney Walker questioned you actually want a site plan?

Chairman Dunning stated we need some information to give the Board some guidance as to what we are looking at.

Vice Chairman Grygus commented typically there would also be parking for the proposed additional structures and location of utilities.

Attorney Mondello commented you are asking for a Use Variance and some judges suggest in Superior Court that they don't even exist anymore, so I would suggest you go back to the drawing board and see if you can get quite a bit more detail so that the Board can intelligently make a decision on the application.

Attorney Walker commented, just so we are clear, actually we are also looking for, in the first instance, an application to certify that it is a pre-existing, non-conforming use, and yes we are also looking for a Use Variance. Again, I have a survey to do this, but you are looking for a site plan the same way it would be in connection with a commercial establishment?

Chairman Dunning answered, yes, and the checklist, I believe, indicates a site plan. If you went through the whole application package, there are a lot of pages, which list various things we need to review and can go to the site and envision what your site plan is trying to tell us.

Member Ludwig commented the last thing you need is a neighbor that doesn't like what you are doing to find a loophole to put a stop on the project.

Attorney Walker commented it has been my experience that generally with this kind of variance you don't submit a site plan, but I do understand the Board's direction.

Attorney Mondello commented quite frankly it has been the opposite of my experience and, in fact, you were here representing an objector with somewhat of a similar situation and they not only had site plans, but they had all kinds of documentation. Not taking anything away from you or the applicant, but the Board is going to need those additional documents and that additional information in order for them to go forward.

Attorney Walker, just so I am clear, you are looking for an actual site plan prepared by an engineer. You want the location of the utilities and parking and also you want an indication as to the easement on the site plan.

Attorney Mondello commented follow the checklist.

Vice Chairman Grygus commented the safest bet is to, if you don't have the original application, pick up a new packet and just follow the checklist. That is the safest bet because once you have what is on that checklist, then you are good to go.

Chairman Dunning commented there are other things that should be identified with the utilities, are you on a city sewer system, or is it all septic over there? That needs to be marked also.

Attorney Mondello: Any other questions? Hearing none, seeing none. I would need a Motion followed by a second to carry this. Do you need more than one month?

Attorney Walker: I don't think so. If I can, I'll carry it for a month. In the event that somehow we require more than that, I'll certainly contact the Board by correspondence.

Attorney Mondello: We run into some difficulty if there are objectors in the audience when that happens so I would plan on being here either next month or the month following.

Attorney Walker: I plan on being here next month. What is the date?

Chairman Dunning: We need those plans ten days before the next meeting. The meeting date is April 3rd.

Vice Chairman Grygus: We would need those plans by the 22nd of March.

Attorney Walker: I will contact the engineer I normally work with and see if he can have it done. If he cannot, I will inform the Board within about a week.

Attorney Mondello: You are missing my point. If there are objectors in the audience and unless your client wants to re-notice everybody, I would like to be able to tell whoever is in the audience that wants to attend and hear and participate when the next meeting will be. I don't want to say it's April 3rd and then you call me up April 2nd and the objectors all show up and I am saying sorry, but it's been carried to May. I suggest you look to May if you think there is a possibility.

Vice Chairman Grygus: May 1st is the meeting date.

Attorney Walker: My clients indicate that there are no objectors here tonight. Everybody is in favor of the application.

Attorney Mondello: You never know; people change their mind.

Vice Chairman Grygus: Again, if you go by the checklist, the other reason for the site plan is you need to dimension everything so that we can confirm the variances that you are requesting.

Attorney Walker: I understand that. We are looking to have it qualified as a pre-existing, non-conforming use, but I'll have an engineer detail any new variances and pre-existing variances.

MOTION TO CARRY APPLICATION TO THE MAY 1, 2019 MEETING: made by Member Covelli, seconded by Vice Chairman Grygus. Chairman Dunning, Vice Chairman Grygus, Members Covelli, Pasznik, Hoffman, Ludwig, Levine and Malone.

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

RESOLUTIONS: None

CORRESPONDENCE: None

VOUCHERS: submitted by Ronald Mondello, Esq. for attendance at the March 6, 2019 Meeting in the amount of \$400.

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

MOTION TO APPROVE FEBRUARY 6, 2019 MINUTES: made by Member Covelli, seconded by Member Pasznik. Chairman Dunning, Vice Chairman Grygus, Members Covelli, Hoffman, Levine and Malone. Members Pasznik and Ludwig not qualified.

ENGINEER'S REPORT: None

DISCUSSION:

1. By-Laws – Chairman Dunning advised that Attorney Mondello has gotten us some By-Laws and they look excellent. We will adopt these and change it from this direction to our direction. Member Covelli is requesting the Board Secretary prepare them for Wanaq and for the Board's review.
2. Member Malone – Chairman Dunning commented that the new member, Larry Malone, needs a training meeting. Member Malone will let the Board Secretary know what day since there are classes scheduled for both spring and fall. Attorney Mondello advised that he has 18 months to do this.
3. 1049 Ringwood Avenue – Attorney Mondello advised, instead of writing a letter to Attorney Fiorello, I wrote one to Charles Lorber, Esq. because the first time there was an issue, the attorney got back to me right away. In this instance, he has not gotten back to me. I thought he would get back to me and, quite frankly, I have forgotten about it. I will follow up and send a letter to Attorney Fiorello saying you have to do something. File some charges in the Municipal Court. You have the authority to do that. You are supposed to do x-y-z, it is a dangerous condition so the Building Inspector can go out there and write some Summonses; however, whether that is done or not, we have no control over that. I

thought Attorney Lorber would jump in and help us out and he hasn't. I will turn the heat up.

Member Covelli mentioned there was another piece of dead tree debris on the sidewalk again. Chairman Dunning stated the two dead trees that look like they are ready to go are not on this property.

4. Vice Chairman Grygus questioned no litigation update? Attorney Mondello answered there is none, otherwise we would go into closed session. He has 45 days to appeal the judge's decision and I don't think 45 days have gone by. I think he has two more weeks. Member Covelli questioned what's his next avenue? Attorney Mondello answered he can appeal to the Appellate Division. If he goes to the Appellate Division and loses, the case is over.

MOTION TO ADJOURN AT 8:30 PM: made by Member Ludwig and seconded by Member Pasznik. Motion carried by a voice vote.

Jennifer A. Fiorito
Board of Adjustment Secretary