

REGULAR MEETING

Salute to Flag: 8:03pm

OPENING STATEMENT:

This is the Regular Meeting of the Wanaque Board of Adjustment and adequate notice has been given and it has been duly advertised by the placement of a notice in the Herald News and the Suburban Trends on February 14, 2016 and February 17, 2016 respectively, and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque and a copy thereof has been on file with the Borough Clerk

ROLL CALL: Chairman Jack Dunning, Vice Chairman Bruce Grygus, Members Peter Hoffman, Don Ludwig, Michael Levine, Suzanne Henderson and David Karp, Attorney Ronald Mondello and Engineer Christopher Nash

ABSENT: Members Frank Covelli and Barry Hain

**Application #ZBA2016-05 – MKR Enterprises, LLC
17 Park Street, Wanaque, NJ (Block 240/Lot 3)**

THIS MATTER HAS BEEN CARRIED TO THE DECEMBER 7, 2016 MEETING AT 8PM. THIS IS THE OFFICIAL NOTICE; THE APPLICANT DOES NOT HAVE TO RE-NOTICE OR RE-PUBLISH

**Application #ZBA2016-06 – Aguanno, Daniel, Applicant
826 Ringwood Avenue, Haskell, NJ (Block 460/Lots 14 & 15)**

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

Attorney Mondello swore in Applicant Daniel Aguanno for his testimony.

Attorney Mondello asked Applicant Aguanno to tell the Board what he wanted to do and why.

Applicant Aguanno stated in February of 2016 there was a fire and the house was gutted due to smoke, water and fire damage. It is a multi-family home and, in re-building Unit B

of the house, I am looking to convert it from a one bedroom and add a second bedroom. The second bedroom would be put on top of the existing first floor. In order to do this, I am requesting a Use Variance because my property is a B (Business) Zone and per the town ordinance, we can't build any improvements or additions because of that specific zone.

Attorney Mondello concurred stating it is "an expansion of a non-conforming use".

Attorney Mondello questioned who lives there that you need all this space?

Applicant stated it is me and my girlfriend is moving in.

Chairman Dunning questioned you have two separate units?

Applicant stated that is correct; it is a two-family house. Unit A has two bedrooms and didn't experience any damage from the fire so tenants are currently living there. Unit B is gutted.

Member Levine questioned if Unit B is the top floor?

Applicant Aguanno stated if you would have to classify it, it is a duplex; it is not an over/under. Unit B is the rear unit.

Attorney Mondello suggests that the Applicant give the Board some more reasons as to why they should grant this expansion of a non-conforming use. The Board is never supposed to consider financial reasons, such as I have two units that I make money on and I want to make those bigger. That wouldn't be a reason.

Applicant stated, in granting the Use Variance, it wouldn't be detrimental to any of the existing zoning requirements for the Master Plan because it already exists as a multi-family dwelling. The house is surrounded in the back by woods and the Wanaque River, front yard is Ringwood Avenue, which I have already contacted Passaic County and they said there is no need for any variance on their end. Personally, the big reason is I want to start a family in Wanaque and I can't do it in a one bedroom, with my girlfriend (hopefully fiancée).

Vice Chairman Grygus questioned if the Applicant was aware of any other two-family dwellings that are in the area?

Applicant stated I am. When I looked at comps, I was made aware of other two-family homes in the area.

Attorney Mondello questioned if there were any other residential homes in the area and are they in the Business District as well?

Applicant stated yes he is surrounded by residential homes on both sides. There is ample parking on the side of the dwelling.

Chairman Dunning, referring to the site plan, stated standing in front to the left, or north side, of your house, do you park in that space?

Applicant answered no. However, on the south side of the property there are at least six spots there.

Chairman Dunning stated each unit would require two parking spaces, but you don't show how that would work on the site plan.

Applicant answered, if you look at the square footage of the asphalt driveway, it is enough to park two rows of three cars, in tandem. One would be blocking another. The property actually goes a little bit off of the asphalt area, so there is an area you can actually back into and “k-turn” it out of there so we are always fronting onto Ringwood Avenue, which is a lot safer.

Chairman Dunning stated, what is not on the plan is a fence on the south side of your property, which shows no measurement, but possibly two cars wide from the fence to the house. So what you are saying is, if you have four cars in there, then you can back out closer to Ringwood Avenue and make a reverse turn back into that extra space where the fence ends and come back out.

Applicant stated that is correct and, correct me if I am wrong, but I believe the property line goes past the fence. There is always enough room for the end cars to always back up and do a “k-turn” so every car always goes front out onto Ringwood Avenue.

Chairman Dunning, questioning Engineer Nash, does that parking schematic work in your estimation? Is that space wide enough between the fence and the house since there are no measurements?

Engineer Nash stated it is no different than a single-family home with a long driveway with a lot of cars. It is wide enough where you can have two rows of two cars and that is all he is required to have. It is wider than two cars would be.

Member Levine questioned, prior to the fire, did you have a tenant?

Applicant stated yes, and as of November 1st, we switched over to a new tenant, so it has been continuously occupied.

Attorney Mondello stated the only variance you are actually exacerbating is the side yard total by two feet with the new addition.

Applicant stated that is correct.

Attorney Mondello, out of curiosity, questioned how do you schedule the pulling in and pulling out of cars with tenants that you may or may not know what their schedule is? Applicant stated my girlfriend is a nurse so she is out early, so she always parks behind me. The tenant in Unit A has the two spots that are closest to the house and the car closest to Ringwood Avenue will always have enough space to get around the other two spots. They have to coordinate their schedules, but as long as they keep the car that needs to go out earliest, they can always pull around my two cars and then “k-turn” and front out to Ringwood Avenue. This has worked out great.

Chairman Dunning, questioning Engineer Nash, since we are reconstructing the roof, is there any provision for storm water management runoff?

Engineer Nash stated it is the same roof area. He is just going straight up and there is a two foot cantilever on the second floor that you are talking about. He is not increasing the impervious coverage, and it is minor.

Chairman Dunning questioned the Applicant about County Approval.

Applicant advised he had a letter from the County.

Attorney Mondello advised that if the Board approved the application, there would be something in the Resolution that would indicate the approval was subject to County Approval, if it is required. What does the letter say?

Applicant stated that since it is less than a five unit dwelling that they don't require a site plan. Applicant advised he will provide a copy to the Board Secretary for the record.

Member Hoffman questioned you only have one curb cut going onto Ringwood Avenue? Applicant stated, technically on the north side of the property there is another curb cut, but only one for the parking area.

Chairman Dunning: Anyone in the public have any questions on the testimony given so far?

Vita Alvino, 820 Ringwood Avenue, Haskell, NJ

I received the letter and came tonight to see what is going on.

I am okay with him going up on his house, but would have had a problem if he was going onto my driveway/property.

Attorney Mondello: Any other questions from members of the public? Hearing none, seeing none, we close that portion.

Chairman Dunning questioned if any of the Board Members had any questions? None

Chairman Dunning questioned the Applicant if he wanted to give a closing argument for his case?

Applicant stated he is looking to start a family in town. I love Wanaque, I am an outdoorsman so I love the property and the land and I think that is the best asset that Wanaque has is its resources. The Wanaque River runs behind my house and that is the nicest part, even though I am on a county road.

Attorney Mondello: Are there any comments from members of the public? Hearing none, seeing none, we close that portion.

MOTION TO APPROVE THE APPLICATION FOR AN EXPANSION OF A NON-CONFORMING USE WITH THE FOLLOWING BULK VARIANCES: (1) THE LOT WIDTH WHERE 62 FEET IS EXISTING AND 62 FEET IS PROPOSED WHICH IS PRE-EXISTING BUT IT IS A VARIANCE OF 18 FEET; (2) THE FRONT YARD SETBACK WHERE 20 FEET IS REQUIRED AND 5.4 FEET IS EXISTING AND PROPOSED FOR A VARIANCE OF 14.6 FEET; (3) SIDE YARD ANY 15 FEET IS REQUIRED AND 6.9 IS EXISTING AND PROPOSED FOR A VARIANCE OF 8.1

FEET; AND (4) A SIDE YARD TOTAL OF 35 FEET IS REQUIRED AND 35.8 FEET IS EXISTING AND PROPOSED IS 33.8 FOR A VARIANCE FOR 1.2 FEET.

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

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

RESOLUTION: None

CORRESPONDENCE: None

VOUCHERS: None

MINUTES: None

ENGINEER'S REPORT: None, but the Board Secretary handed out to all Professionals and Board Members present a New Application for 81 Snake Den Road, Wanaque.

DISCUSSION: 1049 Ringwood Avenue – All engineering issues have been cleared up and the file is now in the hands of the Borough's Engineer, Alaimo Engineering. There are some issues with the Developer's Agreement.

Training for the New Members for the Spring.

MOTION TO ADJOURN AT 8:32PM: made by Vice Chairman Grygus, seconded by Member Ludwig. Motion carried by a voice vote.

Jennifer A. Fiorito
Board of Adjustment Secretary