

**IN PERSON
REGULAR MEETING**

Salute to Flag: 8:05pm

OPENING STATEMENT:

This is the Regular Meeting of the Wanaque Board of Adjustment and adequate notice has been given and it has been duly advertised by the placement of a notice in the Suburban Trends on January 17, 2021 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 with the Borough Clerk

Attorney Mondello swore in New Member Dana Lynch

**ROLL CALL: Chairman Jack Dunning, Vice Chairman Bruce Grygus, Members Frank Covelli, Suzanne Henderson, Donald Ludwig, Helena Aumenta, Michael Levine, Dana Lynch and Michael Sbarra and Attorney Ronald Mondello
Engineer Christopher Nash arrived at 8:11pm.**

Application ZBA2021-07 – Licastro, Jason, Gorge Drive-Vacant Lot (Block 423/Lot 31)

Jeff Houser, Houser Engineering - This is a continuation from the August hearing. Previously, the Applicant and my colleague Tyler VanderValk were here to provide testimony regarding the variances at hand. He went over in detail the bulk requirements, some of the justifications and reasons why the variances are wanted. Since then, we submitted a revised plan dated September 23, 2021. The revisions made do not impact any of the requested variances or any changes to the bulk requirements that we were attempt to best conform to.

However, we did make changes to the parking layout. There were some concerns expressed that a vehicle parked in the former driveway configuration that part of it would overhang into the right-of-way though not into the travel way. We adjusted the grading so that vehicles can park fully within the confines of the property.

There were some concerns and questions raised about runoff. In response to that, we added a storm water detention facility. Due to the slope of the property and the subsurface conditions mostly consisting of rock, we opted to put in two 1,250 gallon tanks, which combined is 2,500 gallons of storage capacity. During rain events, we will collect the runoff from the roof and from some of the swales and detain that water and release it in a slower manner. It was designed for a 2" rain storm over that impervious area. We determined that a 2" rain event would generate 2,345 gallons so we provided 2,500 gallons in capacity

to store that storm event and then it would be released through a 2: discharge and ultimately into the right-of-way, which is down grade of the property.

Lastly, we added some landscaping. We added fourteen plantings and we chose these certain plantings because they are very good at absorbing water uptick. Those plantings are on the southwest corner of the dwelling and then along the northern side.

In response to the driveway modifications and the addition of stormwater detention facility, we had to shift the propane tank. I believe there was a question raised at the last hearing about the availability of natural gas. We did contact the gas company and though there is gas available at the Quarry Road intersection, it is not actually in front of our property. I don't think they would be opposed to having natural gas at the property, but to run it up the street would be costly and expensive and everybody south of us is not obviously connected to natural gas because it is not available. (Engineer Nash just arrived.)

Those were the revisions we made to the plan to address comments, concerns and questions raised by Members of the Board as well as the public. In addition, we are in receipt of Engineer Nash's October 1, 2021 Second Engineering Review Letter, which I'm sure he will elaborate on. I do want to say that he agreed that most of the improvements look satisfactory. He did make a comment about our detention system and the fact that the exit velocity from our stormwater discharge could present a problem on the property. In response to that, we would be more than willing to relocate the discharge perhaps to the northeastern corner and put some type of scaler pit to slow it down before it is released. That would be a revision that we could look at with Engineer Nash.

Other than that, we have no additional testimony. That describes the changes we made and why we made them.

Chairman: Your parking area is too small. The Borough standard is 10x20 per car. You moved it so that it is all on your property but it is only 18' deep. I can't tell how wide it is.

Engineer Houser: It's approximately 20'.

Chairman: You are still 2' short going in.

Engineer Houser: I understand the Borough's requirement is 10x20. We are trying to limit wall height and there are common standards in other boroughs that reduce it to 9x18.

Chairman: Under RSIS, which deals mainly with multiple housing, 9x18 is in the State Code, but not for single residential homes. That is a Borough standard that we still live with. That has to be deal with. Also, you are showing a five bedroom house. Two cars are not going to work. You have a major problem with parking no matter how you look at it.

Mr. Licastro: If we eliminate a bedroom, are two acceptable?

Chairman: That is still pushing it. Here is the problem, we grant variances that run with the life of the property, so it is there for an eternity. The second owner shows up that has three late aged teenage kids and they all have a car. Knowing what is up there, where are they going to park? And, when selling a house, you can't restrict it to two cars. It is very common in this town that you don't have enough parking. A lot of homes in the winter they are parking on the grass or wherever they can put a car and half hanging in the road and it creates a problem. You live on a very narrow, unimproved road, and the house itself is very large for the neighborhood. I don't think you have another one over there that is three stories high with five bedrooms. The simplest way to uncomplicated it would be to make the home smaller; less bedrooms means less cars.

Mr. Licastro: What determines the height of the home and such a steeped grade property? Where does that get measured from?

Engineer Houser: It is the mid-line of the roof to the average grade at the front of the house.

Chairman: That was given in testimony the last time you were here.

Engineer Houser: The knee height is 31' and the required is 35'.

Chairman: I think the biggest problem is you are going into a neighborhood that basically started out as summer bungalows. Some of the sections are all small bungalow homes so they sort of blend in. To build something this tall, it just doesn't fit and then you have the problem with parking.

Mr. Licastro: The intent was to provide a two-story home.

Chairman: Your home is drawn as three stories.

Mr. Licastro: Yes, but it is very likely this all rock under this house. The majority of this basement would most likely require more rock removal than it is feasible to create that basement.

Chairman: It's not a basement. It's actually built on grade in the front.

Mr. Licastro: Right, and that's because of the slope. In practicality, somebody building this home most likely, when they begin excavation, are going to find a lot of rock. Most likely this basement all crawl space.

Chairman: Not according to your plans. What we have to go on is Drawing A-100 Proposed Plans and it shows three fully developed levels. Your basement shows a rec room, utility room, entry hall, guest room, bathroom and closet.

Mr. Licastro: If this turns out to be soil, the ability to build a full basement would be preferable.

Chairman: You saying it's not a full basement. How high is it?

Mr. Licastro: The reason this is on the plans is because we would like to be approved for the ability to build a full basement. However, we are making an assumption that if this were approved, we might be lucky and find this is soil, but it might not be. Most likely it isn't soil back here and that would end up being a lot of rock removal. This is on the plans because I would like approval for it should it be granted, but I can't say for certain if that basement ever gets built fully because of the rock removal required. I guess the question I am slowly arriving at here is, in the event that this was a crawl space, this is still considered a three-story home because it's really the grade of the lot that makes that happen. That causes it to be a three-story house.

Chairman: If it's a crawl space, how high is your crawl space?

Mr. Licastro: Let's say it's 3'. But this grade is the same.

Chairman: The grade doesn't change; it's outside of the house.

Mr. Licastro: The elevation of the ground floor is in the same location whether that's a full basement or a crawl space because the grade of the lot determinates where that is.

Member Covelli: Did you guys do a perc test on this property?

Engineer Houser: No.

Member Covelli: I'm surprised you won't because if you had a backhoe up there, you would have been able to scratch at that and figure out the answer to the question, and you

are putting in those seepage pits but you are not concerned about getting them in the ground.

Engineer Houser: They are not seepage pits. They are detention tanks. We are not recharging anything into the ground.

Vice Chairman: That's the question I had. So you are not planning any recharge into the ground?

Engineer Houser: That's correct.

Member Covelli: Those tanks don't have holes in them. You are just storing the water and then releasing it.

Engineer Houser: Correct.

Vice Chairman: Slowing it down. If you look at the outflow, it's at the bottom. As soon as it starts coming in, it's going out, but it's going out slowly.

Member Covelli: You have a 2" pipe so you are going to shot it out like a firehose.

Engineer Houser: That's why we kept the pipe small at 2" to let it out slowly. Correct me if I'm wrong, we are providing stormwater retention, but it is not a requirement for the development of the lot.

Attorney Mondello: Let me say this, this is a Use Variance, a D-1 Variance, because single-family homes are not permitted in this zone so any reasonable condition can be imposed by the Board. In fact, in most instances for a D-1 Variance, you would need a Planner to tell us why you are deviating from the Code. I think the Board is bending over backwards and allowing some leeway, so that's a reasonable condition.

Member Covelli: I'm just surprised that you wouldn't have gotten a backhoe up there because you knew the concerns at the last testimony. There is an awful lot predicated on the ability of this lot to drain, your ability to collect the water, how much water you're going to collect and how much you can discharge. As I'm hearing your testimony, you are saying I'm not putting in a seepage pit, I'm putting in a detention tank and, at the end of the day, I'm going to shot it out when I can shot it out and what happens so be it because I don't how much I could put in the ground. I don't even know how deep I have to go to put in a house, but please approve me and I'll figure that out later.

Engineer Houser: It is a wooded lot and a very difficult lot. We could go through the expense of bringing a machine out there and cutting down a bunch of trees to get to the back corner of the house to excavate and if we don't get approval we've just cleared out a lot.

Member Henderson: When you are designing a house structurally and for footings, foundations walls, etc., you need to know what the capacity of the soil is, right?

Engineer Houser: Correct.

Member Henderson: Did you do any soil testing or any borings because then you can determine what is underneath that soil and what you're going to come across.

Engineer Houser: We assume worst case conditions because if we don't get a Use Variance, we are not building regardless. If the Board Members decide that is absolutely necessary in order to receive approval, then we'll consider it. We designed this and took the approach that the site is basically rock. We are not assuming there is any soil. There are exposed rock outcrops throughout the lot.

Member Levine: Why not design it for the rock?

Engineer Houser: That's what we did. We did design it for rock.

Member Levine: Yes, but now it's a three-story building which you're designing for rock. What I really want to know is what's the basis for the 2" rain fall and where is it going to go if we get a rainfall a little over 2" and there's very little additional capacity between 2" and what the tank will hold?

Engineer Houser: It'll run off the site. Roof leaders will have an overflow.

Member Levine: What impact does it have on any neighboring properties?

Engineer Houser: Everything runs to the right-of-way. It'll go into the road and ultimately across the street.

Member Covelli: I think you have done a lot of work here from when you were at the last meeting. I think my colleague made a very good point that they don't have to be prohibitively expensive for you to find out some very important information about this property that I would think is going to work well into Mr. Licastro's financial plan of how he is doing this. If he is standing before us and we are trading bedrooms, which obviously he has a deep concern about because of the salability of the house and what price he can get for it depending on how many bedrooms are there, so these are very important questions. You also have a group out here that is very interested to know what's going to happen to the water and I think you made a very earnest first start with the tanks, but you are not even able to tell us whether that is sufficient or not, as Member Levine said "a 2" rain fall". The last time you were here a little storm called Ida was outside and dropped 7" and holy heck broke loose while we were all in here listening to you.

Engineer Nash: I'd like to jump in please. In response to the Board's comments at the last meeting, the Applicant has done, from what I can see, two major things. They have added landscaping. The Board was concerned that all the runoff from this property was going right out into the street down the hill. It was also realized by the Board that the Applicant can only handle the rainfall that falls his property not responsible for anything upstream or uphill from his property. They have added this landscaping, and from me looking at this plan, it is doing two things. They are creating a berming effect to slow the water down and also the berming effect is going to absorb some of the initial runoff uphill from where the landscaping is. Secondly, they have added these two detention tanks, which are going to take the entire roof area and this is a really good illustration. Instead of having rain coming on the roof and immediately washing onto the road, they are taking all the rain that runs off the roof and they are running it out a small 2" pipe at a slower rate but a longer duration. I think they have done a lot actually in terms of stormwater management and runoff from this site. My concern is just how they are treating that discharge. It has to be managed so it's not going to create a problem; it's not going to create an icing problem or an erosion problem. That has to be dealt with and between his mind and my mind I think it adds up to at least one and we can probably come up with a solution. That's my two cents on the stormwater.

Vice Chairman: It almost sounds in some respects that the Applicant is almost considering a bifurcation. But the problem is, it is a very difficult to vote on a use when you don't know what that site plan is going to entail. I get that they are a little bit hesitant to do certain things not knowing whether they are going to get approved or not.

Engineer Nash: If this was an application to the construction office for a single-family home, they wouldn't be asked did you do soil borings, or this or that, it's going to change maybe footing sizes at the worst case and what type of excavation they need to do to construct the footing sizes. I think we have to look at the hand we are given. What are we doing to manage the stormwater runoff from this site because that was the issue at the last meeting. Constructing the house, I think we are getting a little off base on that. They can construct the house. It's just a house so the footings can be excavated somehow. I'm not concerned about that aspect of it. I think they have addressed 80% of what is happening with the stormwater management.

Member Ludwig: Being in construction my whole life, you own the property and I wonder why you haven't taken a backhoe up there to do some test holes. You know nothing about this lot as far as whether you can get the footing in there, a full basement or not and, as a builder, I don't know if you are ever going to get the money back. All the other houses are way smaller. I think you have to do a little more checking on the property to see what is there. You can possibly even put a rain cistern in the back if you find a spot where there is soil and not all rock.

Engineer Houser: We are very familiar with the area and just beyond these roads and a couple roads back that section of town is septic and I've designed several septic in that area and I'm very familiar with the challenges of the geology there in terms of drainage. We designed this assuming it's rough and that's from a stormwater and runoff perspective. There is visible rock outcrops on the property. We assume there is no recharge. Furthermore, the house is uphill as we can make it. Everything is going to run down slope towards the driveway. That is the area that we would need to recharge and we know there is visible rock outcrops there. From a stormwater design perspective, we can't recharge into rock so that's why we are containing this. From a foundation construct ability standpoint, can we hammer rock? Yes. Does he want to and does he know the cost involved? We don't know that yet, but the presentation of this plan, we've assumed its rock. If it comes down to it to eliminate a basement because of practicality or for seeking approval that is a possibility, but it's not our preference. In terms of the Chairman's concerns about parking, I understand that. We are providing two parking spaces, which complies. We can increase the size of that parking space from 18' length to 20' to accommodate that request.

Chairman: I found note that says "proposed 18' wide paved driveway". What you have created is an 18x18 space. You show rocks around the edges which means you can't say, okay the door can open up, because it'll go past the 18' mark. You look at the bigger trucks, and we are in a truck area, an F150 Ford is about 8x20 approximately. So they both own a truck, how do you get in and out of it?

Engineer Houser: The pavement is not right up to the edge of the wall. There is a little bit of a buffer on both sides. If you have three-four parking spots in a row, the two middle ones are concerned about opening both doors. You only have two vehicles, you can separate them a little bit and park on the edges. There is room there between the edges of the retaining wall across the parking lanes.

Chairman: It is very important because we don't want you hanging out into the Borough right-of-way in case some day they decide to pave the road, they are going to be paving

right into you. The other thing I have is, you have these two tanks tied together, and then you show a dotted line that goes out into the right-of-way, what is at the end a 2" pipe?

Engineer Houser: Yes.

Chairman: We've had a good couple of rains this year, it's going to dig a hole.

Engineer Houser: We said we were going to modify this to address the discharge and the exit velocity.

Chairman: You can't discharge it in the Borough right-of-way.

Engineer Houser: We are going to shift that back up onto our property.

Engineer Nash: Mr. Chairman, there is another concern too. I've heard the arguments here tonight saying if you run into rock, you'll build a lesser foundation. What happens if you run into rock where you are going to put the detention tanks? That is a big component of the Board's consideration of granting the variance. Getting back to Member Covelli's point about test pits that is a key area to have had a test pit.

Attorney Mondello: I think the Board is at this juncture where they very much want to see the test pits or borings. I know that the Engineers explained it may or may not be reasons for it but it appears that's where the Board is at. I would suggest you speak to your client. I don't believe the Board is going to waiver with respect to that. Again, I remind the Applicant and the Engineer that this is D-1 Variance and you need five (5) affirmative votes, you need to prove the positive, the negative and there is a lot of stuff, unfortunately, you are asking for something that is prohibited in this zone. I think the Board wants to work with you and allow a single-family residence in this zone, but they are expressing some pretty serious concerns so you are at the juncture where do you move forward and eventually take a vote this evening or do you contemplate what the Board likes?

Mr. Licastro: As part of my testimony I stated my father -in-law purchased this property 35 years and it was conforming at the time but, before he got the chance to build on it, it became non-conforming and to try to conform would not be possible to the current zoning.

Attorney Mondello: We don't know, and you haven't presented any evidence about when the prohibiting ordinance was put in place. I haven't seen the date of that ordinance and just because you said it was 35 years ago, maybe when he purchased this land, single-family homes were not permitted at that time.

Chairman: These extra zones were put in place way after that. The one that runs from his property south, above Greenwood Avenue, was put in maybe 15-20 years ago. The overlay and affordable housing is relatively new. 35 years ago it was an A-10 and they could have built the house without much problem, and they probably wouldn't have built a house this big.

Attorney Mondello: It is still a D-1 Variance. Unfortunately, his father-in-law didn't build before the prohibiting ordinance was passed. That's when he should have built because he then he could have done pretty much what he wanted. Unfortunately, that didn't occur so we are still stuck with a D-1 Variance.

Member Ludwig: It's not even just that though, it is the water runoff. You could possibly take a post hole auger and go in the backyard and find out what is there. Maybe you could put the tanks in the backyard if there is soil there where it could filter it out.

Mr. Licastro: If we were to perform numerous probes throughout the property and find the vast majority is rocks so to do any of this work would require hammering, or what have you, and if I wanted to still move forward, how does the Board respond in that event?

Engineer Houser: If it is all rock, then we are back with our design here.

Mr. Licastro: That's a financial matter, is it not, for me to go through the expense?

Attorney Mondello: The Board is not permitted to consider any financial matters. That is not what the Land Use is all about. I understand where you are coming from, but they are prohibited from considering whether this costs one dollar or ten million.

Mr. Licastro: So I could be rejected on this application if this is solid rock and if those detention tanks were approved by the Engineer in whatever manner they discharge, yet it is all solid rock, could that be rejected by the Board?

Vice Chairman: I think it would be likely would you be willing to move forward with that plan at a much greater cost. Does it make it feasible on your end then?

Member Covelli: You are asking us what we would do. I would flip this around to say to you "that if I were contemplating doing something as grand as building this house in a condition where I don't know how much rock I have, whether I'm going to cheer at the end of this project or I'm going to put my hands in my face and said I went' down in flames because I lost my shirt", I'd spend \$2,000 to get a guy there with a machine for a day to gather the information that could make tens of thousands of dollars difference in this project and then when we said to you, we are concerned about x, y or z, you would be in a position of strength to say, "I can do that or you know what I can't do that". So we can't consider cost, but you obviously have to consider costs. I think that information is so valuable to you and is going to put us in a position to know what we can do to help you. At the same time recognizing they (the public) has concerns that you can't answer for them either. We approve you, we pack up and go home and they have to live with what you do.

Member Henderson: And at the same time you are going to get a better idea of what exactly you can design and whether you are going to be able to have a basement or a partial basement or not.

Member Covelli: You are assuming the worse. You could find out that your excavation costs and your blasting costs are minimal. He is going to jump and down and now he says I can lower the house, I can put in a garage and I don't care if I lose a bedroom and I can add to the parking. Right now you can't answer any of that.

Engineer Houser: If we were to go dig test holes, we are going to go out there and cut a couple trees down to get access for a machine to get in there.

Member Ludwig: You might get a good idea with just an auger.

Engineer Houser: If we go out there and excavate down and we find rock 6" below the surface, so we come back here and what I add to this plan is a soil log that says 0-6" ledge rock 6" and we sit right back down here and we present the same plan. Where do we go from there? I think my client has to make some decisions here on how to move forward.

Engineer Nash: Two things for the Board to consider here. I am hearing from the neighbors drainage issues all over the place, I'm hearing high rock all over the place, so I don't think there is a scenario that is going to happen where you are going to put a seepage pit in the backyard and here is why. If you introduce water into the ground between the soil and the bedrock, it's going to travel along that line and surface somewhere downhill off this property creating a problem that didn't exist before. So, I'm completely not in favor of

putting any sort of seepage pit on this property. I think that effort to go out there and find a spot that might be suitable, I don't that we want to open up that can of worms and certainly the Applicant doesn't. Getting back to these two tanks, if the Board approves this plan as it is shown, they have to build these two tanks or they don't have an approval. They would have to come back here. If they run into rock and they say we can't do it, or we don't want to do it, or we don't want to spend the money on it, I would think they would have to come back here because this is a significant reason why the Board would have approved assuming there is enough votes to do that. I think that is what they are trying to say is, if you approve this, we'll build it.

Attorney Mondello: Just to add to what Chris is saying, they would have to come back to the Board. We'd already approved the Use Variance as you suggested it's bifurcated, so now it is just a site plan issue; we can't put it here, so where do we put it or how do we change this. If you granted the Use Variance, that is it. That is 95% of the application. The other is 5% site plan.

Member Levine: Why not determine at this point whether we can put the tanks in or not and then it is very clear?

Engineer Nash: They could also hit rock and hitting rock up in the front doesn't also mean they can't put the tanks in. It just means it's going to cost more to put them in.

Member Levine: Maybe they don't want to spend the money so they have to come up with something else.

Vice Chairman: I think his testimony is that they've assumed it is going to be all rock.

Engineer Houser: Correct.

Chairman: If it is all rock, are you going to build the basement?

Mr. Licastro: Not likely.

Chairman: Well we can't approve a plan that says you can go with A or B. You are either going with a basement or you are going with a crawl space. We have to get that cleared up right away.

Mr. Licastro: I've heard numerous comments about the height of the house, is that the formal concern or objection on the application?

Chairman: It's a question we asked.

Vice Chairman: I think we brought it up at the August meeting that it was a concern that the rear of the house, because of the slope, was very high.

Mr. Licastro: I still want to clarify, if I were to come back with an application that has a crawl space, instead of a basement, the plane at the front of the house, the plane of that first floor is still at the exact same elevation. That entrance is still at the exact same elevation. The crawl space would start 6' back. You would basically have a foyer you would walk into at that grade and the rest of the basement will be crawl space behind that to accommodate the slope and the rock. The overall height of the house would still be the same as it sits on this plan. I don't see how that could change without excavation even further down into what is presumably rock at a greater expense.

Chairman: Your basement would be subgrade. If you found 6' of dirt, then you could put a garage onto the house and solve a little bit of your problem with parking.

Mr. Licastro: I guess the question I am making is in response to the height of the home. If I were to make this basement, you are walking in here, and that is it, and the rest of this is crawl space, that doesn't change the height of the house. This is two stories of livable of

space. It is still at the same elevation so I don't see how the height of this house could change assuming this is all rock.

Chairman: It is going to change. If your basement height was given at 8', which is pretty normal today,

Mr. Licastro: You are retracting that space from below. The house doesn't lower.

Chairman: A crawl space is 3' high. There is a difference of 5'.

Mr. Licastro: Right, but you don't have that space back there. This doesn't come down, especially if it is all rock and we don't want to excavate it. This house will always be this height unless it is just one level.

Chairman: You have to present a plan of either the crawl space or the basement. We can't approve both; it is that simple.

Mr. Licastro: If it is a concern to the Board, I am suggestion something to see if it would be more palpable.

Chairman: It is your application, you present whatever you want to present. It's a matter of what we are going to vote on.

Mr. Licastro: I'm just bringing this up in response to the concerns about the height of the house that's why I'm raising this comment.

Chairman: I don't think there was a lot of concern with the height of the house other than it doesn't fit into the neighborhood.

Attorney Mondello: Maybe we are going too far out of field here and circle back again to revisit. This is a lot that, in fact, his father-in-law could have built a house on before the affordable housing overlay came into place. All the courts frown upon waste, something should go on that lot, instead of it just sitting there the way it has. Again, it is not a multi-family unit that he is looking for. He is looking for a single-family house. You have some expert testimony from your Board Engineer saying that, in his opinion, he doesn't believe that these tests are required. I'm not suggesting that he knows more than anybody up here, but maybe he does. Perhaps, the Resolution could be crafted in such a way for if, then, else, if the Board is comfortable with this application. If the Board is comfortable going forward without these test pits being conducted by the Applicant as your Board Engineer has indicated he frankly doesn't think it is necessary.

Vice Chairman: Chris, I have a question. Realistically, what could be done to mitigate the outflow out into the street. Because, in the wintertime, that intersection up by Gorge Drive is already one huge sheet of ice that the town is constantly salting and sanding, trying to mitigate it. So my question is what could be done to not exacerbate that or to wash part of the roadway away.

Engineer Nash: What can be done is what they have done. They are going to reduce the rate of runoff from the site because that's what you want. It is going to occur over a longer duration so once the storm passes there is still going to water coming off site.

Vice Chairman: The only place to dump it is in the right-of-way.

Engineer Nash: I understand but that's where it goes now and that's where all of the other neighbors go.

Member Covelli: I think what is holding us up and Chris is doing a yeoman's job because I think it needs to be said, and it's getting lost, that actually what they are proposing could be a very big improvement on the water situation in the area. That rock is shedding water

as we speak, untouched, and there is nothing catching it. It is going and adding a roof doesn't really change much, but what comes with the roof is the tanks. Tanks collect and the tanks regulate and slow. The problem is we are making, while that is enticing, we don't have any kind of data to know how that really is going to impact. Again, as a Board Member I take everybody into consideration. I'd like to see them build a house because they want to build a house. I don't think it is a bad thing to have a house in that neighborhood. With that said, for me speaking as a Board Member and speaking for myself, there has to be some reasonable assurance that you don't exacerbate a situation. It appears that you are going to help the situation. It looks like it, but we don't know, and as the Chairman said, you can't even tell us if we're building a basement, crawl space of what we are doing. But you say to us, I'm going to figure that out once I get my approval. I'm sorry but I go back to it is not cost prohibitive for you to have a lot better data to then know your position and then be able to have a more intelligent application with us. For us to know what it is we are doing; are we actually helping the neighborhood while you achieve your goal, are we hurting the neighborhood and can you assure the others in the neighborhood that you are not. That is where we are stuck.

Vice Chairman: I'll play the devil's advocate for one minute. He is assuming he is going to hit all rock. His plan is assuming he's going to hit all rock. If he goes there and hits rock, nothing changes on the plan.

Engineer Nash: The normal course of events when stormwater management is required, you get a stormwater management report. The stormwater management report compares the existing runoff from the site versus under the proposed improvements. You get that comparison that you can't see because it wasn't done. It wasn't done because they didn't need to do it. They aren't even required to do this. They did this to address the concerns from the last meeting. I'm looking at it and from the two things that I pointed out before, landscaping with the berm in, and the introduction of the two tanks is going to be a reduction in the rate of runoff off the site after they build it. That is my statement and sums it all up. If they did a report, that's going to be the last sentence in the report in your conclusions. "We've reduced the runoff from this site".

Engineer Houser: I agree with everything that Mr. Nash has said. I appreciate that.

Mr. Sbarra: Why are we stopping at two tanks? Wouldn't more tanks better the situation?

Engineer Nash: Yes, it is better, and so are four, five and six. In engineering design, we don't design for Hurricane Ida and you can't design for it. It would cost prohibitive. All of that volume of water in that short amount time, you can't put it anywhere. There is no space. In my letter it says a 2" storm, I just did a rough calculation of the volume of the roof compared to the volume of the tanks and it is about a 2" storm. This is a prudent engineering design with two large 1250 gallon tanks. Normally, you would have one, but they have two.

Engineer Houser: We used 1250 tanks because it is a fairly readily available stock item at most precast concrete places. However, the key is the 2500 gallons of storage. If we were to get out there and two round tanks don't fit, but we could put a rectangular tank, we would do that, or if we were to precast it in place. The key is the 2500 gallons to store that 2" rainfall event. When it falls on the roof, we're collecting it and we are letting at a much

slower rate. I know there have been multiple comments about spend some money and go do some soil exploration on the property, and normally we would do that. If we had soil on the property, of course, we would like to recharge it, but we are seeing visible rock outcrops throughout the area. Mr. Nash just indicated that, if we get down 3' or 4', he still doesn't want to see a seepage pit. We don't want to recharging there because ultimately it is going to hit the rock and run out or whatever that rock face comes out. I don't think the Applicant here is objecting to that, it's just that if we go through that effort and we come back, there is a very strong likelihood we are presenting the identical plan that you are seeing tonight, minus a few revisions that we would do.

Chairman: How big are these tanks?

Engineer Houser: 6' tall.

Chairman: So you have to dig down 8' to make sure you can put the tanks in.

Engineer Houser: Yes.

Chairman: If you're saying it's basically rock, how do you make that work if you can't dig down that far?

Engineer Houser: They are going to have to hammer. That is part of this application and our presentation.

Chairman: You are going to dig down and guarantee you can put those tanks in.

Engineer Houser: He is going to have to or we will back here in front of you, or he doesn't build the house. Just because he gets the approval, if he doesn't move forward, he doesn't move forward. Once the Use Variance is granted, somebody else may want to take on the task. Someone who is in the rock removal business may want to take this on this project.

Chairman: They way that this thing is discharging, that water is going to be running down Gorge Drive. How does that help the conditions in the neighborhood? You lost me with that one because you know there is an icing problem on the road. Now you are putting gallons upon gallons of water on that road and on the edge of the road.

Engineer Houser: The water already goes on that. It's downhill. The road is downhill from this property, which is mostly rock outcrops. When a drop of water hits here, it runs off here. We are now going to take that drop of water, it's going to come through here, it's going to hit the shrubs and the berm here that we created, which will slow it down, and it continue down the swales that are on both sides, to grate inlets, which ultimately go into here. In addition, every drop that hits the roof is going to run down, hit the gutters, go down the downspouts, and go here. This is considered a ten year storm runoff; 2" in an hour.

Chairman: What you saying with these changes, it's not going to impact the roads at all.

Engineer Houser: After Mr. Nash's comment and reconsideration, I agree we can do something better for this discharge. We are going to do something over in the other corner with some type of scour pit to slow it down a little bit more.

Member Covelli: The scour pit means some kind of pit that has riprap or something in it.

Engineer Houser: Essentially, yes, just to control the velocity a little bit better than a straight pipe coming out. The 2" outlet is key because that's the rate of the volume.

Chairman: As far as digging, if you go that way with the propane tanks, how far down does that have to go? That's has to be probably 6' into the ground also. They do put them above ground.

Engineer Houser: Yes, but we didn't specify a specific size, but whatever would fit. We are not objecting to rock removal. We are very aware that rock removal may be necessary whether it's the basement, the detention tanks, propane, even to cut in this driveway, there may be rock removal if necessary. We are not denying that from a design perspective and we have assumed rock is very close to the surface.

Chairman: Well it's going to pay for you to start digging so you can come up with a plan and say, okay, I can put the tanks in, I can't put them in, I can't put the propane tank in the ground, I can't put the driveway the way I want it; there has to be some agreement here as to what the hell we are voting on. That's what is missing.

Mr. Licastro: Isn't that a monetary issue? Isn't that not considered? Isn't that my monetary issue to fund that?

Member Henderson: We need to know what we are voting on.

Engineer Houser: You are voting for what it is here.

Member Henderson: No we are not on the structure that is being proposed to be there. The house has to be designed as to whether you are having a basement or a partial basement.

Engineer Houser: We may have made some concessions here, but ultimately what is presented on the plan is what we are asking you to approve.

Vice Chairman: So you want to stay with the five bedrooms and the basement.

Chairman: If you don't have the basement, you lose a bedroom.

Member Henderson: Wouldn't they have to come back for an amendment to the drawings?

Chairman: No matter which way, you are coming back here.

Mr. Licastro: If this were go get approved and it turns out we can't build the full basement, it has to be a crawl space. Is that another variance? Isn't that a reduction in what has been approved?

Chairman: We are not giving you a variance on a number of bedrooms. Here is the issue, parking is a major issue. There is no doubt about that. The water problem there has no real way to deal with it, but we don't want to make it worse. If you can't put those tanks in the ground, then you have all this roof water and you'd have to show us a plan of where you are going to divert that to. Are you going to run that back out to the road?

Vice Chairman: I think if he can't put the tanks in the ground, he's not going to build the house. You would agree?

Engineer Houser: Yes. If there is rock there and it is solid rock, he is going to spend a lot of money or he's not going to do it. But, in terms of the approval here, the rock is the rock. It is not changing whether it is rock today or tomorrow or whether we see it or we don't. It's potential rock. It's not changing what we are presenting.

Chairman: The problem is you don't know where the rock is.

Engineer Houser: I almost feel like it is irrelevant to what we are proposing.

Chairman: No it isn't. If the rock is 6" under the surface, you are not putting the tanks in, the propane tanks and none of that is workable.

Engineer Houser: Why not?

Chairman: You're going to spend the money to dig all those holes out?

Engineer Houser: That's up to him.

Vice Chairman: And if he doesn't, then he doesn't build the house.

Member Covelli: I have to agree with Ron. We are getting off track. That is not our problem. It is either we accept or reject his water management system and we either accept or reject the size of the house and the issues with parking or the like that comes with it. Is that a fair statement Ron?

Attorney Mondello: More than fair.

Member Covelli: We are not going to design his house and we are not going to design his property.

Member Levine: What was the resolution on the parking?

Member Covelli: Let's go back to that because that's where we should be as opposed to designing his house.

Engineer Houser: I know we got hung up on subsurface soil conditions, which they are what they are. So there are other things we can do here. Chairman brought up a good point about a five bedroom house in this area and with the five bedroom house, a lot of people could be living there and you could have multiple drivers.

Member Levine: So could a four bedroom.

Engineer Houser: Well it could be a three bedroom too. I mean you could have six drivers in a three bedroom house.

Chairman: Parking is a big issue here and in the town.

Mr. Licastro: If this was a construction application, and no variances were required and this was all within code, what's the regulation in town for what parking is required based on the volume of the home?

Chairman: It depends on what the Board wants because there is no set in stone number over so many bedrooms you need so many parking spaces.

Engineer Houser: I will note that this is close proximity to the bus route down the road so that is something to consider when it is right over the bridge on Doty Road. I think the Applicant would be willing to make a concession here and reduce it from five bedrooms to four bedrooms.

Chairman: If you lose the basement, you've automatically reduced it. That's the fifth bedroom.

Engineer Houser: In terms of basement, we can't lose the entire basement because actually the front part is the entrance to the house so we would go with a partial basement.

Mr. Licastro: I want to make it clear to the Board, maybe it hasn't been explained as to the reason.

Vice Chairman: I think we are over that. I think what we are talking about now is parking.

Attorney Mondello: For single family homes, there are no regulations with respect to parking. We have the RSIS for multi-dwelling and I would just simply say that, if you are going to impose some restrictions on this Applicant, you have to think; well you have to impose it on everybody that has a single family home in Wanaque.

Chairman: We tried to for that reason.

Attorney Mondello: How about if they don't need to come before this Board and they have four or five bedrooms? There are no restrictions placed on the single family. You can suggest some reasonable things to the Applicant with respect to parking, but understand

that is something that should be done for everyone and it is not so you wouldn't want to impose unreasonable conditions on this Applicant.

Chairman: Most homes are two bedrooms, three at the most. As soon as you hit three, you have parking problems. I've been here too long and I know this town. Every end of it has got parking problems.

Member Covelli: You also have to remember Ron, in that statement, I don't disagree with anything you said, but there are some homes that are built on properties that when they can't fit in the driveway, other when there is a snow, there's a curb and there is room on their street to park and people drive around it. That is not the case in this area. So there are some differences when you say we impose it on some and not others. Some don't need it. That's why we were stuck on that other issue a minute ago.

Engineer Houser: In consideration of the parking concerns, the Applicant is willing to reduce the number of bedrooms to four from five. He is also willing to eliminate a portion of the basement, which ultimately, in my opinion, will help him from a constructability standpoint and costs. If you are looking at this elevation here, this portion here would be crawl space, but we need the front portion still to be basement, which is mostly out of grade because that provides our entryway and minimizes the amount of steps up from the parking area into the interior of the house. I think that is a common sense concession here.

Member Aumenta: From a parking perspective, the section that you have now designated for parking is 18'.

Engineer Houser: Correct.

Member Aumenta: We just talked about the fact that if you have a very large truck that can go 20' and you only have a single lane road there. You can't park on the side and then continue to drive on the road. You will block the road. In this town you cannot park on the street when it snows so we have to make sure that the number of cars can fit in those parking spots, even if we decide two or three, a large truck is not going to fit and you are going to be out into the road. That's a concern there and it looks again, we talked about the rock walls, but is that really going to give you at least another 2' to make the right size?

Engineer Houser: Yes. I think the width is fine. The 18' width, with the additional 3' to 4' from the edge of pavement to the rock walls, will supply sufficient area for door opening. If there is concern about an extra longer vehicle, what we can do is relocate that retaining wall that's immediately in the front of the house and move it 2' closer to the house to provide a full 20' length of two parking spaces. That is something we can do.

Member Aumenta: Okay.

Chairman: So you are going to give us a 20x20 parking space, where you can open the doors?

Engineer Houser: I can give you 20x20.

Member Aumenta: And that's not using the town property; the buffer for the town.

Engineer Houser: Right. Instead of being a 17x18 square of pavement it will be a 20x20 square of pavement.

Chairman: With the rock wall far enough away where you can open the door.

Member Levine: I still don't think two parking spots are enough.

Member Sbarra: You guys are definitely going with the underground propane tanks?

Mr. Licastro: Instead of above ground? I really haven't looked into this matter much.

Engineer Houser: The pro is we don't have to excavate potential holes; the con is it is visible.

Member Sbarra: If you have to blast, that would be one less thing you would have to.

Member Sbarra: I don't think I'd want them visible or the neighbors.

Vice Chairman: What's the possibility to expand the parking over the detention tanks?

Engineer Houser: They are sitting up higher than where our driveway is so that would mean we would have to go even deeper into the rock. This is a detention basin so we are coming into the top of it and out the bottom of it so if we go under the parking we can't get that out unless there is some downstream catch basin in the road and I don't think there is anything close.

Member Covelli: That's your concern with bringing natural gas up because you don't know what's in the road. It's not that far but you don't know what you are going to hit.

Engineer Houser: Yes, that's another major thing.

Mr. Licastro: We can't assume what the arrangement would be to get that service in there.

Engineer Houser: It would be an 80' trench, at least, and it could be all solid rock.

Member Levine: Do you see any option in your plan to get another parking spot in?

Engineer Houser: Unfortunately, with the detention basin, I don't see that as practical.

Vice Chairman: What if the detention tanks were moved further to the southwest property line?

Engineer Houser: The problem is it's going uphill again so the more we go uphill the deeper we are going to be in the rock. This elevation allows us to get the roof drains in it as well as the swales with the catch basin.

Vice Chairman: As you go to the southwest of that property, the elevation goes up. I'm having a hard time understanding why you couldn't move those tanks over and get a third spot in there and still have your swale and everything else.

Engineer Houser: You want to move these over here. In moving these over here about 3' in elevation, so the tanks potentially are going to go up either 3' or we are going to dig 3' further into the ground to maintain the same elevation.

Member Levine: Where would a third car park?

Engineer Houser: They wouldn't.

Vice Chairman: That's what I'm trying to do is come up with a third.

Member Levine: It is not farfetched that a house this size wouldn't need a third or fourth parking space.

Vice Chairman: A house of this size would normally have a garage that would also provide one or two spaces along the driveway. I think the Board trying to get a third space, given the restrictions of the street, is not an unreasonable request. If you are going to dig 6' of rock, I don't see another 2' is an issue.

Member Levine: I think you are getting the tone of the concerns that the Board has and it is your decision whether you want to go ahead and see if we approve it or do you want to come back with something that you feel would be more easily approved by this Board.

Engineer Nash: What have you decided on the basement at the front?

Mr. Licastro: If we change it, we have to come back with a new plan.

Engineer Houser: Not necessarily. It could be a condition of the Resolution. We are talking about this plan with potential condition. Condition 1 would be a reduction from

five bedrooms to four bedrooms. Condition 2 would be that we eliminate a portion of the basement. It would only be the first 10'-15' would be basement and the rest would be a partial basement. Condition 3 would be we modify the discharge of our stormwater detention tanks to Mr. Nash's satisfaction to address the concern about the exit velocity that would be coming out of there. Condition 4 would be that we expand the current pavement of the proposed parking area from 18x18 to 20x20. Those are the changes we that we would be willing to make.

Member Levine: I don't see where a four bedroom house would alleviate the requirement of possibly a third parking spot.

Attorney Mondello: Let me jump in here because Mr. Nash has been doodling on the site plan. If you were to move those tanks west and actually put one under the house, can you get another parking space? Tanks get moved west.

Engineer Houser: Yes. We would just be installing the tanks deeper in the ground, but yes we could accomplish.

Member Covelli: Help me to understand something. How much excavation are you doing on this site in the back in the rear of the house from what the current topography is in the rear of the house? After hearing all the different numbers, how deep are you going in the back?

Engineer Houser: About 3-1/2' in the western corner and it is at grade at the other corner.

Member Covelli: As proposed, you are not doing a lot of disturbance to the rock area.

Engineer Houser: No.

Member Covelli: That helps me understand and that's why you are a little hesitant the more we keep saying go down a foot or two, because your worst case scenario as we speak is 3-1/2'.

Engineer Houser: Yes, we already have to go down 3-1/2' to make this work.

Member Covelli: And you have to go down 6' in the front for the tanks.

Vice Chairman: Getting back to what Chris and Ron just said. So you are talking about moving the tanks closer to the house, Chris?

Engineer Nash: One actually under the house.

Member Henderson: Where would you put it under the house, in the corner there, even with foundation walls and footings?

Engineer Nash: Yes. It's insider so the footings go around it.

Vice Chairman: How does that get you the third parking space?

Engineer Nash: Because you slide them to the west and you can add two more spaces.

Engineer Houser: Instead of 18x18, we would go 20x30. Again, we propose two 1250 gallon found tanks, but the key is 2500 gallons of storage.

Vice Chairman: Why don't we say this: Would you be willing to provide that 20x30 parking area?

Engineer Houser: Yes.

Engineer Nash: This can be done as conditions with the Engineers' review and consent.

Member Covelli: For example, you are going to put in 2500 gallons of detention. To your point, how you get there is your business.

Engineer Nash: And as long as it catches the roof and the side yard; the same collection points. And then parking for how many vehicles the Board is looking for. If four, it can be

done. It is 200 square feet for a parking space, but once you start lining them up, you can get them tighter. It's not a Stop & Shop parking lot. It's someone's private driveway.

Engineer Houser: Chris, there is another thought here. I know we are focused on parking spaces and the ability to accommodate three cars and we put pavement in there. Would there be any consideration for maybe gravel, which may be better for the runoff perspective.

Member Covelli: I was actually thinking do we want some pervious to gain whatever we can get on the property.

Engineer Houser: If we have 6" of gravel.

Engineer Nash: Yes, the gravel provides the storage area even if it is on stone.

Vice Chairman: Understand just one thing, going down the road, whoever ends up with this house to sell, I believe the parking prohibition is December 1st through March 15th. This prohibits parking on any borough street. So it isn't whether you could or couldn't park there, it's you can't.

Member Covelli: I think with this change, if you are providing area for them to decide how to park.

Engineer Houser: I'll even play the devil's advocate ourselves. I realize if we were to propose gravel, who is to say in seven years somebody just doesn't repave the driveway. It was a point we would factor in.

Member Aumenta: I think the space is most important and that you have the options of the space.

Engineer Houser: So we now have four bedrooms instead of five. We have partial basement instead of full basement. We have 20x30 of parking rather 18x18. And a 2500 gallon stormwater detention structure with the same areas of collection and we are going to mitigate the outflow with some type of energy dissipator. All of the Use Variance we are asking for isn't changing. All of the bulk requirements associated that are not changing. These are all conditions that I believe Mr. Nash and I can work through to accommodate the Board's concerns.

Vice Chairman: Let's just put a minimum of 20x30 and if it is possible to provide more even if it's gravel.

Member Sbarra: I have one other item that hasn't been discussed. Is there any other possibility to add any other additional landscaping to absorb some more runoff? Maybe towards the front of the house. I'm trying to absorb as much water as practical.

Engineer Houser: In terms of what's coming onto our property, running through our property and ultimately getting into the right-of-way, if you were to draw a line and it's more or less everything below my pen. Everything above my pen is passing through to our adjacent neighbor. We are actually collecting a lot of that and running it over and containing it. We are helping this property downgrade of us. Could we add a few more shrubs in, yes we could.

Member Sbarra: Maybe towards the front of the house, would that do anything in your opinion?

Engineer Houser: I don't think so because we try to intercept overlay runoff, but really the house is intercepting most of that and now we are going to have a much larger parking area up here. Everything west of our retaining wall is not being disturbed.

Board took a break at 9:32pm and reconvened at 9:40pm with all Members present.

Member Levine: We are knocking this down to be a four bedroom house. Where the guest room is now, which was your fifth bedroom, what is that going to be?

Chairman: If they go with the partial basement, it's nothing.

Member Levine: But are we?

Engineer Houser: Yes, that is the other condition.

Chairman: That's how they are getting rid of the fifth bedroom.

Member Levine: My question is: Are we definitely going with the partial basement?

Engineer Houser: Yes.

Vice Chairman: Are we going to open up to the public Mr. Chairman?

Attorney Mondello: Have you concluded with your testimony?

Engineer Houser: Yes, based on those conditions, including those conditions that we would agree to.

Chairman: Does the public have any questions of the testimony given to this point, not opinions, just questions.

Kathleen Gallanthen – 1 Quarry Road (which is next piece of property)

Mrs. Gallanthen: Your detention system, what happens if you can't get down 6'?

Engineer Houser: These are the two tanks here. Essentially, we can slide one back here and maybe one underneath, but the bottom line is we have to get it into the ground. If we can't get it in the ground, we don't have detention, so there won't be house if we can't do it.

Mrs. Gallanthen: So if you can't get in the ground, and I believe you said 6'

Engineer Houser: That's what we are anticipating.

Mrs. Gallanthen: So if you can't get down 6' in that area, is there any other area that you are looking at?

Engineer Houser: We are going to be limited after we expand this to the three parking spaces. So it's going to be confined to this area, this southern corner.

Mrs. Gallanthen: The runoff that is coming from that detention tanks, I know it is a 2" pipe and it's supposed to run out slowly and you are taking water from around the whole property. It's coming from the left and from the right, correct? What about the piping around the house?

Engineer Houser: It's going to be everything more or less below the pen. We are going to have roof leaders/gutters on the house with downspouts that come down to these corners so we don't any piping necessarily, but we have drain inlets.

Mrs. Gallanthen: In that piping, are there holes in that piping like a french drain?

Engineer Houser: No, we are collecting it and running it out.

Mrs. Gallanthen: Where is the water going to go? Where I am the water runs down from where the back corner, your home is going to be on the right, it runs underground from

that area straight across my property out into the middle of Quarry Road and runs down like a waterfall. You have it listed as Gorge and I have always known it as Roger Avenue. I believe the neighbor lives on Roger Avenue. When that comes down, it is like a river and at the bottom, when they say it is ice, it's ice. My only concern is the water drainage and that water that's going to come down. So you are saying what you are putting in there is going to take care of that so that it is not going to impact what we have and it is not going to make it worse and it's bad enough already.

Engineer Houser: It is not going to make it any worse. There is the potential to make it better.

Cristina Murphy – 8 Roger Avenue

Ms. Murphy: Just one quick question about the water detention tanks, I know there has been talk about them shifting, whatever they are going to do, but it looks the drainage is on the bottom, the pipe, can it be put at the top so it is an overflow versus at the bottom. So it can fill up and then spill out versus just flow right out.

Engineer Houser: I understand why you think that way but once it fills up, it is always full so when the next rain event happens, we don't have that storage capacity. So then you would have to manually remove the water from it. That's why we have it at the bottom. One of the reasons we did two tanks, and this is another design element, is that's all clean water coming into this. This first tank allows some things to settle out. Periodically, they will have to be cleaned out as they accumulate debris. It is a 2" hole and we want to make sure that it gets out of there once it gets in.

Member Covelli: Would you mind, because she asked a good question, as to why you are not putting in a seepage pit, you are putting in detention tanks? If it was a seepage pit, what she just described would be exactly what you would do, but this is not a seepage pit.

Engineer Houser: Correct. Seepage pit water enters it and based on the soil permeability, think of it a seepage pit as a soup can, the label of the soup can is the infiltrated surface area where it goes back into the ground. If we had soil, seepage pits are great. We are anticipating rock so that label is impermeable so it's not going to be able to get out so that's why we opted to go with a detention tank rather than a seepage pit.

Member Henderson: You mentioned how at some point you will have to clean those tanks, how are you going to do that if it is underneath the house?

Engineer Houser: We could build an access.

Engineer Nash: I know you are getting some from the ground, but it really is just from the roof leaders. The runoff from the roof is typically pretty clean in terms of debris.

Member Aumenta: Ten years from now we don't want that thing to be blocked and then have problems with water again.

Mark Deraffele – 2 Roger Avenue

Mr. Deraffele: I see the plan and you are going to have a lot of trucks, blasting equipment or drilling equipment and all kinds of equipment, how are you going to get the equipment on the property? You can't block the road and you only have 50' and you have a 30' road, if that, 30' wide. Can't block the street with people living up here.

Engineer Houser: They'll work their way in from the proposed driveway entrance here. We have roughly 12'-15' of room in the right-of-way and its relatively flat in here. That'll be an initial staging area to get equipment and they'll work their way in. In any construction there is going to be some noise and there is going to be activity.

Mr. Licastro: If it is any assurance, correct me if I'm wrong, any deliveries or equipment or trucks that will be blocking the road require permit or approval from the town, or police involvement in some situations. We just can't block the road. We may need traffic control plan but I don't think that's going to be necessary here.

Vice Chairman: Anyone else in the public have any statements or questions of the testimony so far? Seeing and hearing none, we close the public portion.

Attorney Mondello: We need a comment period from the public. There may be folks that are very much against this application. We only did a question period, so you'll need to open it up to the public for comments. Does any have a comment that they would like to make either for or against the application, now would be the appropriate time and you will be sworn in.

Attorney Mondello Swore in Cristina Murphy of 8 Roger Avenue

Ms. Murphy: I think I brought this up the last time, but I'll bring it up again, are you guys willing to use some sort of vibration monitoring just so we can make sure we protect the houses within the area so there's no structural damage for us?

Member Covelli: Would it be fair to say that you've already testified there will be no blasting. You will accomplish everything through rock drilling.

Engineer Houser: Was that the previous testimony?

Mr. Licastro: I don't know, was it.

Engineer Houser: I wasn't here at the initial hearing so I don't know.

Mr. Licastro: I don't recall that. I don't trust my memory recall to testify to that right now.

Vice Chairman: Our Building Inspector is here. If there was blasting, there would have to be pre-blast surveys and is there such a thing as a vibration monitor.

Mr. Hafner: For chipping, I'm not aware that any kind of pre-survey needs to be done. I know that in the Code that there are safe guards against construction to neighboring properties with regards to something very close they have to put up fencing. This maybe building or maybe health.

Engineer Houser: I think it is safe to say any rock removal we would agree to follow all and any standards and regulations that are required for this purpose and industry standards.

Engineer Nash: Typically when there is blasting, there are only certain firms that are allowed to do that type of work. Those companies, in order to protect themselves, will do pre-blast surveys because there are some people that would say this wasn't here before and now it's here and how do you prove that without having photos and whatever.

Ms. Murphy: I just want to make sure our houses are okay.

Member Covelli: It is a fair concern.

Attorney Mondello: Does anyone else have any comments? Hearing none, seeing none, you can close that portion of the meeting Mr. Chairman.

Chairman: Okay. Do you want to do a closing statement?

Engineer Houser: We certainly appreciate you entertaining the different conditions here that were currently presented on the plan. The Applicant has gone through the effort with this revision and these conditions that we are willing to agree to in order accommodate the concerns by Members of the Board as well as the public. We ask you to consider this for a vote for the Use Variance in the previous testimony

Member Covelli: Before you continue, Mr. Mondello, as a condition of the D-1 Variance, shouldn't he be providing us some sort of statement about the positives.

Attorney Mondello: I mean it's a single-family home, we typically don't require too much, but you are absolutely right.

Member Covelli: I think for the benefit of both the Board and the public that should be.

Chairman: There should be a Planner.

Attorney Mondello: Believe it or not, an attorney can do it, an engineer, I guess, could provide planning testimony or at least explain what the positives and the negatives are, but again it is a single-family home. It is pretty unusual that a single-family home would be a Use Variance. It is extremely odd.

Engineer Houser: I believe my colleague provided some explanation of it. It is a unique. It's not suitable for the permitted uses due to the hardship of its non-conformity it requires a number of bulk variances and the Use Variance for a single-family home in a single-family residential neighborhood.

Member Covelli: I think for the benefit of the public, I think I understand what you said, I don't think they necessarily did. They don't sit here every month like we do. We you say it is not suited for the intended, you are talking about what it is zoned for, not for what you are applying for.

Engineer Houser: Correct.

Member Covelli: I need to make sure they understood what you just said. That you didn't say it's not suited for what I'm doing, but I should approve it anyway.

Vice Chairman: That's one of your positive criteria, I would think.

Engineer Houser: Correct. So we are here tonight because the zoning does not allow for the construction of a single-family home despite the fact the lot is located in a residential and single-family neighborhood. That is why we are here tonight.

Member Covelli: And that the lot is not suitable for what it is zoned for.

Engineer Houser: Zoning is for multi-family, townhomes and this neighborhood is zoned for a minimum lot size of 20 acres, which is the entire street, possibly more.

Attorney Mondello: Another positive aspect is that we heard testimony that we do believe that you are going to improve the water situation. Isn't that correct?

Engineer Houser: Yes.

Attorney Mondello: Anything else? Can I pool the Board with respect to who is eligible to vote. We need five affirmative votes for this to pass. Was there anyone who missed the meeting last time.

Member Aumenta: I did, but had a recording and I listened to it, and read the Minutes.

Member Levine: Same

Member Sbarra: Same

Attorney Mondello: So anyone that was not present has listened to the tape, although those Minutes are verbatim. We only have seven. Who are the Alternate Members? Michael and Dana will not be voting, but Dana did listen to the tape. The other thing I want to make clear is that this Use Variance is really contingent upon those detention tanks being installed and I haven't figured it out yet, but I'm going to put some language in there that the Use Variance is null and void if you cannot do that because the Board is weighing that extremely heavily in their decision to grant this Use Variance.

Vice Chairman: It is all the conditions.

Attorney Mondello: But especially that one.

Member Covelli: The whole point of that is really to mitigate what is happening on the property now because the perception is building the house is going to exacerbate the water problem. In fact, your testimony is that you are going to improve, you can't quantify by how much, but what you can quantify is you are removing 2500 gallons of water at the time of the rainfall from going out into the street from this property.

Engineer Houser: It will still be going to the street, but at a slower rate.

Attorney Mondello: Right. So to Mr. Covelli's point, if you can't do that, the negative aspect of this project greatly outweighs the positive aspects and your D-1 Variance will go out the window. So back to you Mr. Chairman for a Motion for or against the application.

Chairman: Need a Motion for or against.

Vice Chairman: I'll make a Motion to Approve the Application for the Use Variance with the following conditions:

1. Elimination of the full basement, which also eliminates the fifth bedroom; hence a four bedroom home.

2. Providing of a minimum of 20x30 parking area in the front.

3. Approval is based on the revised plan presented to us this evening which includes the mitigation through the detention tanks and the landscaping plan and the modification to the outflow to slow down the discharge into the right-of-way.

Attorney Mondello questioned if the modification is something that you are going to work out with the Board's Engineer. Both Engineer Houser and Mr. Licastro answered "yes".

Engineer Houser also stated that the detention basin be a minimum of 2500 gallons.

Member Aumenta stated access to the tanks for cleaning.

4. Research of the potential for some additional landscaping.

Member Covelli seconded the Motion.

MOTION TO APPROVE APPLICATION ZBA2021-07: made by Vice Chairman Grygus, seconded by Member Covelli. Voting yes were Vice Chairman Grygus, Members Covelli, Henderson, Ludwig, Aumenta and Levine

Chairman Dunning voted no.

Motion Carried with 6 Yes Votes & 1 No Vote.

Engineer Nash requested the Applicant submit a Compliance Plan with all the conditions of the approval on that Plan so that Building Department has a Plan that they can follow.

PUBLIC DISCUSSION: Anyone from the public have anything to discuss with the Board? Hearing and seeing no one.

RESOLUTION: ZBA2021-03 – Buske, Thomas & Judith

Attorney Mondello: A number of conditions and, in fact, I went through the Minutes and pulled out stuff that wasn't actually made as part of the Motion. No Certificate of Occupancy shall be issued until a Report of Compliance with this Resolution has been issued and the Board Engineer has reviewed the updated, revised Site Plan with measurements as discussed at the September 1, 2021 Meeting. The two parking spaces in the garage (Building B) shall be used by the tenants only. Applicant must perform seepage pit testing prior to construction because the site is in a flood zone area. Application shall only engage in basic repairs, by way of example, oil changes, tune-ups, changing filters and change tires. Major repair work is to be done off premises. The maximum amount of vehicles/equipment to be stored is 10 and the locations are designated on the Site Plan. The grounds will be cleared and any loose construction pieces will be stored in the garage or brought to the Jefferson farm that Applicant recently purchased. There is to be no fuel tanks on site. Any material that is dumped on the site shall not be stored for a long period of time. Materials, such as piping, may be stored for a short period of time, a few days not weeks. The rest of the typical conditions were placed in the Resolution. The Chairman was kind enough to bring to my attention some clerical mistakes (7 Mann Place/Bergenfield Map/Jefferson {not a name but Township}). I'll entertain any questions, changes, modifications or comments the Board may have at this juncture. Hearing none, seeing none, I'd ask for a Motion followed by a second and I will call those Members eligible to vote.

MOTION TO MEMORALIZE THIS RESOLUTION AS PREPARED BY BOARD

ATTORNEY: made by Member Aumenta, seconded by Member Henderson. Voting yes were Vice Chairman Grygus, Members Covelli, Henderson, Aumenta and Sbarra

CORRESPONDENCE: Member Levine's term expires December 31, 2021 and he informed the Board he does not desire to be nominated for another term. The Board thanked him for his time of service. We will miss him and wish him well.

VOUCHERS: submitted by Ronald Mondello, Esq. for the Buske Application in the amount of \$1,950; and for attendance at the October 6, 2021 Meeting in the amount of \$400.

MOTION TO APPROVE: made by Member Ludwig, seconded by Member Covelli. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Henderson, Ludwig, Aumenta, Levine, Lynch and Sbarra

VOUCHERS: submitted by Boswell Engineering for the Buske Application in the amount of \$759; and for the Licastro Application in the amount of \$265.

MOTION TO APPROVE: made by Member Covelli, seconded by Member Ludwig. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Henderson, Ludwig, Aumenta, Levine, Lynch and Sbarra

MOTION TO APPROVE SEPTEMBER 1, 2021 MINUTES: made by Member Henderson, seconded by Member Aumenta. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, Henderson, Aumenta, Levine and Sbarra
Members Ludwig and Lynch abstained

ENGINEER'S REPORT: One New Application

DISCUSSION: Vice Chairman Grygus will not be in attendance at the November Meeting.

MOTION TO ADJOURN AT 10:15 PM: Motion made by Member Covelli and carried by a voice vote.

Jennifer A. Fiorito
Board of Adjustment Secretary