

**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 Herald News and the Suburban Trends on January 18, 2015 and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque and a copy thereof has been on file with the Borough Clerk

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

**ALSO PRESENT:** Kenneth Albert, Wanaque Borough's Planner

Member Joseph D'Alessio arrived at 8:13pm

**Application #ZBA2015-03 – 1049 Ringwood Avenue, LLC, Applicant, 1049 Ringwood Avenue, Haskell, NJ, Block 430, Lot 1**

Charles Lorber, Esq. of Mandelbaum Salsburg, Applicant's Attorney

Attorney Lorber wanted to apologize to the Board regarding a letter he sent; the intent of which was not to offend, but to try to make it clear as to what the applicant was looking for.

I believe this is a very good application and the purpose is to make good on a piece of property that is really difficult to develop. It is our proposal to put 34 rental units on the property. The property is in two separate zones, but is not in any zone that permits the type of development we want to do. Years ago, there was an approval of a similar plan that lapsed over time, and our client used this as a basis to develop this new plan. I think we can present an application that you all will like, that you will approve and that will meet the requirements of Wanaque as far as what would be good for the property and to the municipality. He would like to call his Engineer as the first witness.

Attorney Mondello thanked Attorney Lorber for his sincere apology and stated there certainly may have been some miscommunication on the Borough's side. Having said this,

I do note that the application is to be deemed complete. I am in receipt of the notices to residents with 200 feet and a copy of the publication notice. We will begin hearing the application.

Attorney Mondello swore in Denis F. Keenan, P.E. of French & Parrello Associates, 43A Newburgh Road, Hackettstown, New Jersey.

Member D'Alessio arrived at 8:13pm before any testimony began.

Engineer Keenan has a Bachelor Science in Civil Engineering from Virginia Tech. Licensed Professional Engineer in the State of New Jersey, Pennsylvania and Maryland. I have appeared before numerous boards throughout the State of New Jersey and Pennsylvania as an expert witness in the area of land development and civil engineering. I have also worked on numerous applications similar to what is before you tonight. I have not appeared before this board, but have appeared before boards in Passaic County but cannot recollect which ones. I have been in Morris and Bergen Counties and surrounding areas.

Attorney Mondello stated Engineer Keenan is accepted by the Board as an expert in civil engineering.

**Exhibits: (Engineer)**

- A-1 Application
- A-2 Site Plan Rendering Sheet 1 of 1 (originally submitted as Sheet 3 of 16)  
Zoning Table Added & Colorized
- A-3 Ariel View from Google Earth of Property and Surrounding Area  
(Not previously submitted)
- A-4 Slope Map Similar to Sheet 2
- A-5 Grading Plan with Trees Highlighted in Green (direct copy of Sheet 4)
- A-6 Stormwater Management Report dated May 2015

Attorney Lorber stated initially we were just going to ask for a Use Variance without the site plan, but we know that just asking for a Use Variance, without really seeing what would be on site, probably would not be a good idea. We decided to ask for the Use Variance as well as Site Plan Approval.

Attorney Mondello agreed. I can't see bifurcating a case like this and just going forward on the Use Variance when the Board doesn't know what to look at, doesn't know what to see, has no measurements.

**Testimony of Engineer Keenan**

Referring to Exhibit A-3-Aerial, it is an ariel view of the property and in the center of the image is the property itself. To the right/east is Ringwood Avenue; to the south is the Haskell Town Center, which is a mixed use office and retail development; to the east is the existing gas station followed by the fire house and additional residential developments; to the north is an existing residential development followed by other mixed used development

consisting of homes, offices; and to the west is an existing railroad right-of-way that comes through the back of the property and then the existing residential developments.

The property in the center itself is Block 430, Lot 1 comprised of 4.81 acres and, as previously stated, it is located in two zones. The front portion of the property near Ringwood Avenue is located within the B-Zone/Business District. The rear of the property is in the R-10 Zone, which is a residential district.

Attorney Lorber stated there is also on the Tax Map a Lot 7. Please describe where that came from and why it really doesn't exist.

Engineer Keenan, referencing Sheet A2 since it shows the property a little clearer, stated the property, itself, is comprised of Lot 1. If you look at the Tax Map there is a portion of the property called Lot 7 just to the north of our property. When we looked at the tax records and went through the title search of the property, we did not find any information on a Lot 7. Initially, when we went through and did the boundary survey of the property we had to locate our property and locate the surrounding properties to see how they all tied together. When doing the boundary survey, we actually found out Lot 7 doesn't actually exist.

Attorney Mondello supplemented this by referring to an October 5, 2015 letter from the Tax & Utilities Office and, in parenthesis, it says Lot 7 does not exist.

Attorney Lorber also noted that his 200 foot search list did not have a Lot 7.

Engineer Keenan continued his testimony by stating that the frontage of the property is 480 feet along Ringwood Avenue and has an existing driveway that is located on the property just on the southeastern corner. This driveway coincides with a driveway across Ringwood Avenue, which is Fourth Avenue. The driveway itself goes up to a cleared area. It is acting now as a storage yard with some equipment and materials there. The property itself is rather steep in certain areas but what we are seeing is the property from Ringwood Avenue steps up to get to this cleared area about 20/25 feet to the rock ledge there right along Ringwood Avenue and it is somewhat level in that cleared area before it steps up again at around the 50% slope to a ridge line located on the western portion of the property. You can see there is a knob where it is clear, but then the knob area drops off towards the rear of the property to the railroad right-of-way.

We did do some test pits in the area of the cleared portion of the lot to get an understanding of the property from a subsurface standpoint. We can certainly see there is rock ledge and rock out crops in the rear of the property and you can see it along Ringwood Avenue. The test pits that were performed were on the eastern side of the cleared area where we looked and found about 24" to 30" down, we hit bedrock. In the western portion of the cleared area, we had about 10' or so of fill.

We believe the best fit for this property is the development before you tonight . Exhibit A-2 is showing a new multi-family apartment building. 3 story building with 34 units, 67 parking stalls in front of it and an access driveway that leads down to Ringwood Avenue. The access driveway coincides with the existing drive that accesses Ringwood Avenue and Fourth Avenue intersection. There are a number of reasons why we have that driveway

shown at that location; one of which is when looking at providing a new access point onto any road, you always try to minimize the number of intersections. This is one big advantage of the existing driveway location. Additionally, the grades work. We already have the grade meeting the roadway so it was a logical place to tie-in and wouldn't require an extensive amount of disturbance on the site.

We are proposing a new driveway that has a level grade out by Ringwood Avenue and it slopes up 12% to get up to the existing parking lot. We are trying to ramp that road up to get to that level area/disturbed portion of the property, which is quite a bit higher than Ringwood Avenue. We have an RSIS compliant slope driveway tying into a parking lot, which is a much flatter slope at 5%, which is a comfortable slope for a parking lot to park a vehicle on. This design allows us to build the building at an appropriate elevation that works with the existing grade, without having to cut into the slope that is already there. The north side of the building has a little bit of a cut and the south side of the building has a little bit of a fill. It blends in nicely with the existing grades we have.

Exhibit A-4 is a Slope Map, which is similar to your Sheet 2.

This exhibit was prepared to show the Board how we tried to work with the existing slopes and grades on the property and to show the challenges that this property has. The map is broken up into three slope sections; 0-15%, which relates to areas not shaded at all; from 15-25%, which is the area in the lighter shading; and 25% plus greater which is the darker shaded areas.

There is 39.6% for anything sloped under 15% on the site; 15%-25% is 12.8% of the site; and then over 25% is made of 47.6%. There is a good portion of the property that is over that 25%.

The building is primarily located within those areas that were under 15% slope.

There are some isolated areas in the back that have a 25% or greater.

We generally kept the parking lot in lower sloped areas.

The property has a very unique shape and we also took that into consideration with the development.

A-5 Grading Plan – I really wanted to highlight in green the tree lines that are being maintained. You can see that there are some significant trees in the back and they are all being maintained and there are tree lines in the front along Ringwood Avenue that are being maintained. We have proposed some clearing but it is largely just limited to some isolated areas in the center in and around the area of the existing disturbed portion of the lot. What we were able to do by sloping this driveway up to the flat areas was to tie these grades back in pretty quickly. We don't have much disturbance beyond the parking lot and the building.

Stormwater Management – With this development we are required to address water quality, water quantity and ground water recharge components under the stormwater management regulations. We propose constructing an underground detention system and this system is outlined in Exhibit A-2 with a dash line (----) in the parking lot. There are a couple of reasons why we went with this system and one is cost effectiveness, the other was we didn't have to lose a large portion of the property with an above-ground system.

Looking at Exhibit A-5, if we put a detention basin in the back of the property, or some other location, we would have to cut into the slopes, cut down a lot more trees and this really seemed to make a lot more sense for the property to put an underground system and we would meet our requirement to reduce the rate of run-off off the property. There will be an outlet structure at the end of it, which will hold back the water within the pipes and slowly release it downstream. We are also proposing a network of pipes leading down to the bottom of the hill and proposing a water quality treatment device. It is a DEP approved manufacture treatment device, which will filter out the stormwater before it leaves the site.

From a ground water recharge component, this site has a lot of rock on it. When we did the test hole we also looked at if there was suitable soil for ground water recharge, and it was determined that there really isn't. The area where we did see fill material was in the parking lot but the material was not suitable to meet the DEP standards to infiltrate. Just to touch on Engineer Nash's review letter, he had a couple comments about stormwater management report, which I reviewed with him on the phone. Should this application be approved, we will certainly work through this with Engineer Nash and resolve all the issues to his satisfaction. The stormwater management system is presently an open system so there isn't a closed network of pipes underground, they are open with gravel and allow it to seep back into the ground. Engineer Nash brought up a good point that there may be a chance that the water seeps out and comes out through the slope so we are going to modify the system so it is going to be a closed system, which isn't going to allow that potential seepage at the bottom of the slope to occur. We are going to have some modifications and changes to our stormwater management numbers to Engineer Nash's approval, and make Engineer Nash's approval part of the Resolution.

Attorney Lorber, referring to Engineer Nash's letter of August 19, 2015, starting on page 5 from numbers 23 thru 37 dealing with the stormwater management comments, it is your testimony Engineer Keenan that these will all be worked through to Engineer Nash's satisfaction. Engineer Keenan stated "correct".

Engineer Nash stated that we did have a conversation on the phone and we don't agree right now, but I am hearing that he is going to be agreeing to it. We had some disagreements on what is called the runoff curve efficient number for the existing conditions. Under the existing conditions, you perform a calculation which yields a volume and then you do the same calculation under the proposed condition and typically it is a higher volume because you are putting a development on a pavement versus ground. We feel that their calculation of the existing volume of water is higher than it is actually. Their number is higher and our number is lower so the difference would require a larger detention system.

Attorney Mondello wanted to clarify that when he prepares the Resolution he will be putting in that whatever comments or requirements the Board Engineer has with respect to stormwater management that is going to be resolved with Engineer Keenan. If it is not resolved, you will return to the Board and we will resolve here. Attorney Lorber agreed. Attorney Mondello marked, as Exhibit A-6, Engineer Keenan's Stormwater Management Report of May 2015.

**Vice Chairman Grygus questioned Engineer Keenan if he had done test pits specifically to determine if the retention basin will work?**

**Engineer Keenan stated we did a series of tests, but they were geared more for stormwater management. Initially, we were hoping to be able to put some sort of ground water recharge component on the property but that investigation determined it really wouldn't function.**

**Member Levine questioned if they looked at the water runoff down the driveway, ice conditions and snow melt?**

**Engineer Keenan stated yes we looked at the runoff down the driveway and I believe there may be some concern about how the runoff will impact the Haskell Town Center (Lot 1.03). It is my understanding that there currently is a problem with the runoff from this property going into the parking lot and creating some flooding conditions. Ultimately, what we are proposing here will be an improvement to that. By putting in this driveway, we are really cutting off the flow from this property to the Haskell Town Center so it is actually going to improve that. By locating our inlets the way we have, I don't see a problem with runoff and ice melt.**

**Chairman Dunning questioned when you hit the bottom of the driveway, what are you tying the stormwater into?**

**Engineer Keenan stated that are some existing storm drains that belong to the County. We do have permission from the County. We met with the County prior to our submission to get their feedback.**

**Vice Chairman Grygus wanted to review the most recent standards for DEP is quality and quantity. The quantity is a net reduction. Engineer Nash's argument is that he feels the amount that their saying is runoff now is higher than what really is happening.**

**Engineer Nash stated that is always the case when you are developing a site. When you are developing a site, you need to look at what the existing condition is (baseline), and then you are going to add to it. What I was saying is that they calculated this baseline number a little higher than I think it is, which makes the difference smaller, which would require a smaller detention system. I am suggesting that the gap is larger so the detention system has to be bigger. If you make it too small, the result could be a change from what is experienced now coming off the site. We are using engineering calculations to model conditions that are hydraulic conditions. There are a lot of variables and then the interpretation of those variables, which could cause some disagreements. We try to err on the conservative side because it doesn't matter to us if the detention basin is bigger than it needs to be, but if it is smaller than it needs to be, then it becomes a problem. There is a large detention system that are a series of pipes that are basically level so that as the water rises up and it spills over the top into a structure that controls the flow out of the basin and there is an orifice at the bottom which further controls the flow. The idea is everything drains to one spot, let's say under existing conditions, so ideally the new regulations say, after you put a development in, the volume is going to be greater and you can't do anything about that, but the rate coming off the site is going to be less than you experience currently.**

**Member Covelli believes the Borough has spent six figures across the street on Fourth**

**Avenue to deal with flooding in that area? Isn't that where the tank farm is?**

**Chairman Dunning stated he believes it is on the other side of Arrow's building on Second Avenue.**

**Member Covelli continued that we should make sure Engineer Nash is aware that the area is very sensitive, as we speak, to issues of flooding in that area and the town has already taken remedial measures, and I don't know what the success has been, but the area is a sensitive area nonetheless.**

**Chairman Dunning stated the other area you have a problem with is right down on Ringwood Avenue. The County system backs-up and floods Ringwood Avenue during heavy rainfall.**

**Engineer Keenan stated this all ties back to where Engineer Nash and I were having our discussion. We have a lot of rock on this property and the water that is landing on this steep slope and the aspects that there is going to be more runoff exists because rock doesn't absorb the water and a steep slope will make it go off the property that much quicker. That is why we believe the number coming off here is significant in existing conditions, but what we are doing here is significantly reducing the rate of runoff and the calculations we have in the report show a very significant reduction.**

**Chairman Dunning, on the west end of the low end of the parking lot, you have a 5'x5'x12" rip rap apron with filter fabric, what is that?**

**Engineer Keenan answered that if you go to Sheet 5 that is a discharge point. We are trying to catch some of the water that is coming off the slope and putting it in that back area. We are going to collect the water, it is going to discharge above ground and then that leads back out to the railroad track. When we did this analysis, we actually looked at different points of discharge on the site. We have 2 distinct discharge locations: one is at the rear of the property down the hillside towards the railroad tracks and through the back corner of Jersey Central's substation property; and then within Ringwood Avenue. Based on our calculations, the contributing component to the water runoff to the back area of the property is .84 cubic feet per second for a 100 year storm. This is relatively a small flow especially for a 100 year storm.**

#### **Engineer Keenan's Testimony Continued**

**I want to touch on the Zoning of the property. As stated earlier, we are located with the Business District in the front and the R-10 Residential District in the back western portion of the property. On the cover sheet, we went through the comparison of the bulk requirements for each of these 2 zones and what we showed is that we are fully compliant with the 2 zones. The only item that was not in compliance that Engineer Nash brought up was the building height, which he calculated as 35.14 feet and the limit is 35 feet and we will certainly revise the architectural plans to make sure that the building will be no taller than 35 feet.**

**Attorney Lorber stated that one of the items Engineer Nash did in his report was compare this development to the garden apartment zone, even though it is not one of the 2 zones involved but because the type of use that we are presenting is more akin to that. He points out that a good number of the requirements of the garden apartment zone would not be met with this development. Regardless, we designed this development to try and fit the lot**

as it exists. It would really not be possible for this particular lot to meet the requirements of the garden apartment zone.

Engineer Keenan agreed. There are a lot of challenges presented by this lot and we are really limited to the area of development. A lot of requirements built into the garden apartment zone really would require an expansion of our area of disturbance, steep slopes and other issues that we really wouldn't be able to do on this lot.

Attorney Lorber stated we will have a Planner testify as to the use of this particular lot. I just wanted to make clear it would not be possible to meet the various requirements of the garden apartment zone. With the 2 zones the property is in, we are pretty close to meeting all requirements.

Engineer Keenan stated we do meet the requirements of the 2 zones the property is in.

### Engineer Keenan's Testimony Continued

As part of the application filed, we had a sight line analysis done.

We had very good sight distance looking south on Ringwood Avenue and, based upon the speed limit of 35mph on Ringwood Avenue, we actually had adequate sight distance from the north. By modifying some grades right along Ringwood Avenue, just north of the driveway, we were able to cut out a portion of a knob of rock to expand the sight distance and we meet the standard. However, the County's review comment was we have to increase the sight line clearance to any grade from 6 inches of clearance to 2 feet, and we will certainly do this.

Sign location was brought up by Vice Chairman Grygus and Engineer Keenan stated the sign will be fully compliant with the town regulations. It was on the plan to indicate that it would be outside of the sight line.

All the parking is set off the driveway and set up in a loop fashion which allows a nice vehicular movement in and out of the property.

There are 67 parking stalls, which is based on the RSI Standard for parking.

1 Bedroom Units = 1.8 parking space per dwelling

2 Bedroom Units = 2 parking spaces per dwelling

64 spaces + 3 handicapped spaces

We are also required to provide visitor parking, and since we have open field parking, that parking is included. There are going to be no assigned parking spaces.

Vice Chairman Grygus stated you have 34 units with 1 and 2 bedroom units and in this day and age, you have to assume two cars per unit. We have had issues with this in other developments, even ones that have garages that become storage areas. In this particular instance, I am very, very concerned since there is no place to accommodate overflow parking.

Engineer Keenan totally agreed with the statement about the townhouses and the garages becoming storage. What we find in the apartment dwelling type units is because it is an open field parking, you can't take a parking stall and store items, it does get utilized for parking. You may get some 1 bedroom units that have two cars, but you are also going to find that people have one car. That is where the 1.8 comes into play.

Vice Chairman Grygus asked, if in another drawing, could you possibly show a typical

garbage truck size vehicle traversing that plot and either pulling it in, or backing into the proposed garbage area. I have some concerns about the radiuses, especially if all those spaces are full.

Engineer Keenan stated “yes”.

Vice Chairman Grygus, referring to the site plan, stated there is a proposed 6 foot sidewalk. If a car were to park head in with its wheels completely against the sidewalk, is the nose of that car going to stick out to a point where it is going to prohibit or bottleneck someone in a wheelchair. Engineer Keenan stated “no”, and that is why it is specifically 6 feet. You typically have a 4 foot sidewalk but in a condition like this where you have the ability of the car to overhang the sidewalk that is why there is a 6 foot sidewalk. There would be no issue with someone maneuvering a wheelchair in this area.

Vice Chairman Grygus questioned what is the width of landscape area between the sidewalk and the building? Engineer Keenan stated 4 feet.

Vice Chairman Grygus questioned where are you putting the snow from the sidewalk? Engineer Keenan stated you would have to get it off the sidewalk, out into the road and then plow it away.

Chairman Dunning questioned, when you snow plow the lot, where do they dump all the snow? Engineer Keenan stated they would push it back to an edge.

Chairman Dunning stated there would be cars back there. If you came in during the night to plow that lot, where does the snow plow deposit the snow that he is collecting? Engineer Keenan stated if it is a full lot they are going to have to find the corners or push it down the back.

Member Covelli questioned if the site has the ability to add more parking? Did you make an economic decision to end at 67 and an aesthetic value to end at 67 or the site doesn't allow you to put any more parking? Engineer Keenan stated we could add more parking but it would just be cutting more into the slopes and it would create more impacts on the property. 67 are what is required by the 34 units.

Chairman Dunning questioned if you get an overflow of visitor parking, where do they go? This is a problem we have in other developments. You are going bear minimum but you have to be realistic in today's world. A 2 bedroom apartment has a teenage child that drives and that is a third car basically. Already we have an overflow. On the weekend, people have visitors, where do they park? You don't have any residential streets to park on. There is no place to dump the excess here which is a problem with the site.

Member Covelli also brought up the 24 foot wide driveway entrance and exit. Eventually, someone is not hiking the hill. I will just sneak over here in the corner and park over here, perhaps at the top of the hill where you start to enter down, and then you have the issue if a fire truck has to get up there.

Engineer Keenan stated with a 24 foot driveway typically that is narrow enough to keep people from parking on it. At 30 feet, you would probably start seeing people parking on the side.

**Member Henderson stated that during the winter, we tend to get more snow in this area, which will inhibit the on-site parking.**

**Vice Chairman Grygus has some concerns regarding fire safety issues. I have a real concern in a building of this size with the only egress through the front that there is no way to access the rear of this building to either extricate from the third floor, quickly and safely, or to fire suppress.**

**Attorney Lorber stated there are going to be sprinklers in the building. Our architect will address the fire safety issues.**

**Chairman Dunning questioned if there is some kind of guardrail system on the driveway?**

**Engineer Keenan stated we don't now, but we will be installing one at the lower end.**

**Chairman Dunning questioned what about the sidewalk side? What is our proposal on how to deal with that? You are putting an apartment complex together and you are going to have children and they are going to walk down the sidewalk to go to the Haskell School. What protection are you giving them against the cars going up and down the driveway? It is a steep road, if it snows a little bit and everyone has to go to work and sometimes the schools are open, you are creating a dangerous condition for them. The driveway at 12% is very steep, especially for the children who enjoy bicycles and skateboards. If you backed the sidewalk off a little bit from the driveway, I think it would be much safer. The snow is also going to be plowed onto that sidewalk.**

**Engineer Keenan stated this is a much safer condition than what we are seeing on Ringwood Avenue.**

**Vice Chairman Grygus questioned, hypothetically, is it the applicant's position to square off this parking lot to make it rectangular just like the building? Is it economics?**

**Engineer Keenan stated it is the slope in the back. The corner where the dumpster is, if I was to extend it all the way in line with the other edge, I would probably be approximately 35/40 feet below existing grade and 10/20 feet from property line.**

**Engineer Nash stated you may not have to go all the way and square it off to add more parking. If you are coming close to the property line, put a retaining wall. Where is the rock in that area because if you are hitting rock you don't need to lay that slope back? You can have it more vertical and be closer to the property line.**

**Engineer Keenan stated we do have rock in that area.**

**Engineer Nash questioned if this is a balanced development?**

**Engineer Keenan stated right now we would have to bring in some fill to make this work since we don't want to set the building down too much lower.**

**Vice Chairman Grygus said parking is a very sensitive issue in our town and we do have a letter from the Police Chief about this issue. Adding 5 additional spaces isn't going to do it, but you also don't have to double it. There should be a realistic happy medium somewhere in between.**

**Further discussions took place about ideas on expanding the parking.**

**Engineer Keenan and Attorney Lorber stated they would look into it.**

**Chairman Dunning questioned who would be responsible for snow plowing the development?**

**Attorney Lorber stated the owner, my client.**

**Engineer Nash stated maybe come back with a snow plowing plan where you designate an area where they are going to deposit the snow.**

**Attorney Mondello stated if it is not physically possible to do that, maybe they cart it away.**

**Attorney Lorber stated we have to return with the garbage truck plan and the guard rail plan.**

**Chairman Dunning stated, while we are doing this, look at how a fire truck can access the site. Maybe check with the fire department about the size of our ladder truck.**

**Member Covelli stated the fire department is looking for 2 hydrants on the site, even though 1 is proposed.**

**Attorney Lorber would like to go through Engineer Nash's review letter so it relates to engineering so we don't have to go back over everything at the next meeting.**

**Stormwater Management Issue already discussed.**

**#6 on page 2 talks about the encroachment of a portion of the driveway and light post along the north property line. I am not sure how we can rectify these items. Maybe they will be willing to move the light post. The driveway has to stay but we will be happy to give them an easement.**

**Sanitary Sewer Comments #38 and #39 on page 6:**

**#38 – We will provide the invert elevation information on the existing sewer line in Ringwood Avenue.**

**#39 – Engineer Nash and I have already discussed the lateral design and sanitary manholes and will continue to work this issue out, along with the stormwater management issue.**

**Chairman Dunning questioned if they had applied to the Wanaque Borough Sewer Authority to see if there is capacity for this site.**

**Engineer Keenan stated we have submitted a letter and are awaiting a response.**

**Member Covelli questioned if a calculation of an average daily flow will be provided?**

**Engineer Keenan stated we do have a calculation.**

**Attorney Lorber stated we are advised by the owner that there is capacity.**

**John Barbarula, Esq., attorney for the land owner, stated the sewer was paid for \$14,000 to \$18,000 about 8 years ago.**

**Member Covelli doesn't believe that is the correct figure even back then. As a Board Member and a Member of Sewer Authority I would still like to know what the average daily flow is for clarification.**

**General Comments # 40 – Fire department gave the Board a letter today requesting at least 2 hydrants be installed in the development. A copy of this letter was given to Attorney**

**Lorber and we will change the plans to reflect this.**

**#41 – Yes, the building will be provided with sprinkler protection.**

**#42 – Yes, there are flush curbs.**

**#43 – Signage will comply with municipal requirements and it will not be in any sight line.**

**#44 – This comment about ADA compliant curb ramps on Ringwood Avenue is an issue. Attorney Lorber, after speaking with the prospective purchaser of this property, stated we don't mind doing one on our side, but the other side of the road isn't our property. We don't own the lot that is adjacent to that. I think it is kind of unfair to require us to put something on the other side of the road that doesn't really belong to us.**

**Engineer Nash stated why he thinks it is fair. If you are putting a handicap ramp in on your side of the street and it is compliant, you are in effect telling a person who is handicapped here is where you cross, and then you are telling him to cross and good luck since the other side is not compliant. I don't think that is fair to the person that you are trying to accommodate. Secondly, if you have any overflow parking at all it is on Fourth Avenue and that is where people are going to park and then need to walk to the site and then you are accommodating those visitors to utilize that new crosswalk that is ADA compliant. I think it is fair. If you notice how I phrased it, "it is a suggestion". I think it is a fair suggestion. I don't have any authority if you don't want to do it, but the Board may have a different thought on it. I am not saying it is a requirement, just a suggestion.**

**Attorney Mondello stated it may be a reasonable condition that the Board can impose. What I am missing is, who owns that property because if they are not here and they don't agree, where do we go?**

**Engineer Nash stated it is the public right-of-way.**

**Member Covelli stated the owner of record on the other side is the Borough of Wanaque or the County of Passaic depending on the curb cut. To Engineer Nash's point, if that cut isn't complete, the liability is going to fall back on the Borough of County if there were a claim. It is not going to fall on the property owner.**

**Attorney Mondello stated he doesn't find this to be an unreasonable condition given those facts that were just provided.**

**Engineer Nash stated that if that is a Borough Street and they were simply milling and paving the road, they would be required to install compliant ramps on all four corners, but we are only talking about two.**

**Attorney Mondello stated to Attorney Lorber you don't have to respond now, but the Board, in fact, may impose that as a reasonable condition if they are so inclined to grant the application.**

**Attorney Lorber thinks that might be in the County right-of-way.**

**#45 – We previously covered the sight line.**

**#46 – We previously covered the guard rail, and are going to come back with something on that.**

Attorney Lorber believes this covers Engineer Nash's letter in its entirety.

Engineer Nash stated, that although you skipped around, some of my comments were not covered and, in particular, my zoning comments were skipped over. I understand that was a different issue.

Attorney Mondello stated we can address that. Attorney Lorber had passed a question to Engineer Keenan that due to the property, restrictions on the property, size of the property, that you couldn't comply with the garden apartment conditions and your answer was "correct". Engineer Keenan stated that is true.

Attorney Mondello continued addressing Engineer Keenan, as I refer to page 3 and I ask you the question, and I am not suggesting that the applicant change his application in any way, shape or form, but:

#9 – The maximum length of the building is 180 feet. You could reduce the building from 210 feet to 180 feet. Is that true or false?

Engineer Keenan stated it certainly could be done.

#10 – The maximum number of units in a single structure is 12. You could reduce it from 34 to 12. Couldn't you do that? I am not suggesting you do it, but couldn't you?

Engineer Keenan stated yes.

#11 – We have discussed this already. You have reduced the maximum building height from 35.14 to 35 feet.

#12 – You have three stories. The garden apartment conditions require two. You could reduce it to two. Isn't that correct?

Engineer Keenan stated yes.

Attorney Mondello still addressing Engineer Keenan commented that your testimony as to not being able to comply with any of the garden apartment conditions because the land is restrictive and it is a certain size is somewhat inaccurate at best.

Engineer Keenan stated it should be clarified.

Attorney Lorber stated the point is that, for this particular type of development, the way we proposed it, it makes no practical sense to restrict it to a 12 unit with the work that has to be done on the unique site.

Vice Chairman Grygus stated "economical" and Attorney Lorber agreed.

Engineer Keenan stated we are trying to condense this development into an area that is already disturbed and we went through a lot of effort to do that. To do that, we did do things that complied with the zones the property is in, but couldn't comply with the garden apartment restrictions and meet these limitations with slope disturbances.

Attorney Mondello stated we understand and I only bring that up by way of background so that the applicant can think about some of the reasonable conditions that the Board is leaning towards, like additional parking, removal of snow, and the other items the Board has mentioned.

Vice Chairman Grygus brought up the lack of open space issue. I believe the issue was also brought up in the Planner's letter and Engineer Nash's letter because the amount of open space that is maintained is not really usable because of the slopes. When I say open space, I am talking about if someone wants to go out and bar-b-que there is really no place for them

to do it; a little play area for kids; somebody wants to walk a dog. Something the Board has always looked at in past applications was active recreational space for the occupants to utilize. I also notice there are no decks.

Attorney Mondello referred to Engineer Nash's letter, on page 4, #18, where it points out that there should be .4817 acres of active open space according to the garden apartment requirements.

Engineer Keenan stated there is an area for a playground that has been discussed.

Attorney Lorber stated we will be able to address this at the next meeting.

Member D'Alessio commented about the differential between the street grade and the parking lot grade. You have 12% grade and in order to get that road down you either have to reduce the parking lot by a couple of feet or you have to raise the sidewalk. What are you going to do? You can't be at 12%. You have to be at 9% or lower for grade. This is very hazardous, especially during the winter months here with the snow and ice.

Engineer Keenan stated that 12% is compliant for this type of road.

Vice Chairman Dunning advised Member D'Alessio that with the new standard, 12% is an acceptable grade. It is not a good grade, but that is an acceptable grade by the State standards. There isn't too much we can do about that except say it is very steep.

Recess 9:14-23

Returned 9:55-47

Let the record show that everyone is present

Attorney Lorber stated that economics is one of the issues that directed us towards this type of development. Additionally, the ecological sensitivity with the rock and the slopes also directed this development, as well as the shape of the property. It wasn't just economics.

Engineer Keenan agreed.

Attorney Mondello questioned who is the owner? I assume we have consent of the owner because Attorney Barbarula is here.

Attorney Barbarula stated David Donus and Daina Onello own the property and have signed the Owner's Consent Form.

Attorney Lorber stated his client, 1049 Ringwood Avenue, LLC, is the contract purchaser, subject to this application.

No other questions from the Board Members.

Attorney Mondello: Does any residents within 200 feet have any questions for Engineer Keenan? Does any residents at all have questions for Engineer Keenan? Hearing none, seeing none we close the public portion.

Attorney Mondello sworn in Thomas W. Gillis, Graviano Design Group, 101 Crawfords Corner Road, Holmdel, NJ.

Architect Gillis is a Licensed Architect in New Jersey and Pennsylvania. I haven't worked with this Board before but have worked in West Orange, East Orange, Holmdel. Most of my work is central and southern New Jersey. I have worked on apartment complexes before and this design is indicative of typical construction needs and methods. Nothing is being created new here.

Attorney Mondello stated Engineer Keenan is accepted by the Board as an expert in architecture.

**Exhibits: (Architect)**

**A-7 Front View Facing Parking Lot (Computer Rendering)**

**A-8 Rear View of Building Rendering**

**A-9 Architectural Overall Floor Plan (Sheet A-2)**

**A-10 Architectural Ground Floor Plan (Sheet A-1)**

**Testimony of Architect Gillis**

Every unit does have a balcony which does help address the fire escape issue (not wooden decks protruding out of the building). Off of each master bedroom, there is a set of sliding doors leading out to a balcony. On the first floor, they lead you outside. Curb requirements are you can have one means of egress if the building is four stories or less, and also sprinkler.

All the windows will be egress compliant windows in the entire building. This mean the windows meet the minimum square dimension for IBC and fire safety.

The interior layout of the building:

28 - 2 Bedroom Units

6 - 1 Bedroom Units

2<sup>nd</sup> & 1<sup>st</sup> Floors Plans are Similar

3<sup>rd</sup> Floor is Different – Larger Units

A typical unit you come into has a living room, bathroom, kitchen, laundry bedroom.

3 Units per block on the 3<sup>rd</sup> floor, where it is 4 Units on the 1<sup>st</sup> and 2<sup>nd</sup> floors.

These units will have Magic Pack Units for heating and a/c and they will be in the mechanical room. They are self-contained units and small complete systems. Hot water heater will be in either the mechanical room or laundry/storage room. Heat and water heater can be either gas or electric. If appliances are gas, they will be vented out.

Chairman Dunning stated you come in the ground floor entrance and you have the word “up” for the stairs. These entrances appear to be extremely close where there is no access to the stairs. How do you go up the stairs?

Discussions were held about the entranceway into the buildings.

Architect Gillis stated the plan the Board is referring to is inaccurate, i.e, entranceway, mechanical rooms.

Vice Chairman Grygus questioned if there were any fire walls proposed on any of the floors including the attic space?

Architect Gillis stated only separation walls.

Vice Chairman Grygus questioned ADA requirements. What is your obligations?

Architect Willis stated only one unit on the ground floor is handicap accessible. Since there is no elevator in the building, it does not require the upper floors to be handicap accessible.

Vice Chairman Grygus requested the plan be revised to designate that unit.

Attorney Mondello questioned the logic of having one ADA unit with 3 ADA compliant parking spaces?

Architect Gillis stated you can have a handicap but not require an ADA unit or wheelchair.

Discussions were held between Architect Gillis and Member Hoffman and Vice Chairman Grygus about the height of the building. Previous testimony stated building will be no higher than 35 feet.

Member Covelli questioned if the attic would be used for storage?

Architect Gillis stated to his knowledge there will be no storage. There will be no public access to the attic from the third floor. He believes it will be used for maintenance only.

Member Covelli brought up the fact that this is a wood truss structure and questioned the Architect if he was familiar with Avalon Bay fire in Edgewater. That development was built around 10 years ago and was sprinkler compliant. We have strong concerns about fire safety and we are interested in what you will do to protect this building. Even if it means going above and beyond, I would hope the applicant would take the extra step for residents' safety.

Architect Gillis stated building will be sprinklered.

No other questions from the Board Members.

Attorney Mondello: Does any residents within 200 feet have any questions for Architect Gillis? Do any residents at all have questions for Architect Gillis? Hearing none, seeing none we close the public portion.

Attorney Lorber was prepared to have his Planner and Traffic Engineer testify tonight. However, the Traffic Engineer is still in Morristown and will not make the meeting. Since we have to come back with revised plans for the next meeting, I will have these two experts testify at that time.

**MOTION TO CARRY APPLICATION TO NOVEMBER 4, 2015:** made by Member Ludwig, seconded by Vice Chairman Grygus. Voting yes were Chairman Dunning, Vice

**Chairman Grygus, Members Covelli, D'Alessio, Hoffman, Ludwig, Levine and Henderson.  
Motion Carried.**

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

**RESOLUTIONS: Application #ZBA-2015-01 – Helen Bassio, Applicant, 7 Paul Place, Haskell, NJ, Block 309, Lot 14 to construct a screen porch on the existing concrete patio.  
MOTION TO MEMORALIZE THIS RESOLUTION AS PREPARED BY BOARD ATTORNEY: made by Member Ludwig, seconded by Member Covelli. Voting yes were Chairman Dunning, Members Covelli, D'Alessio, Ludwig, Levine and Henderson.  
Motion Carried.**

**CORRESPONDENCE: None**

**VOUCHERS: submitted by Boswell Engineering on the 1049 Ringwood Avenue, LLC Application in the amount of \$2,660.  
MOTION TO APPROVE: made by Member Covelli, seconded by Member Levine. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, D'Alessio, Hoffman, Ludwig, Levine and Henderson.**

**VOUCHERS: submitted by Kenneth Albert, P.E. (Borough's Planner) on the 1049 Ringwood Avenue, LLC Application in the amount of \$1,666.25  
MOTION TO APPROVE: made by Vice Chairman Grygus, seconded by Member Ludwig. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, D'Alessio, Hoffman, Ludwig, Levine and Henderson.**

**VOUCHERS: submitted by Ronald Mondello, Esq. on the Bassio Application in the amount of \$750; and for attendance at the October Meeting in the amount of \$300.  
MOTION TO APPROVE: made by Member Ludwig, seconded by Member Covelli. Voting yes were Chairman Dunning, Vice Chairman Grygus, Members Covelli, D'Alessio, Hoffman, Ludwig, Levine and Henderson.**

**MOTION TO APPROVE SEPTEMBER 5, 2015 MINUTES: made by Member Ludwig, seconded by Member Covelli. Voting yes were Chairman Dunning, Members Covelli, D'Alessio, Ludwig, Levine and Henderson.  
Vice Chairman Grygus and Member Hoffman abstained-not qualified.**

**ENGINEER'S REPORT: Nothing new to report**

**DISCUSSION:** Attorney Mondello advised the Board that he has had some conversations with Christopher Quinn, who represents AT&T. At some time they are going to be looking to construct a cell tower somewhere in Wanaque. There seems to be a pattern that Optimum is kicking every telecommunications carrier off their towers. I guess there is one in Wanaque that is owned by Optimum and they are kicking AT&T off the tower by March 2016. I think they are going to come before the Board on an interpretation to allow them to have a temporary tower for a couple months until another one gets constructed, assuming the Board passes it. It would be my opinion that they could simply get a building permit for the temporary structure; it is a truck essentially. Apparently, they have been advised by the town that they have to come before the Board for a Use Variance just for the temporary structure and I adamantly disagree with that.

**MOTION TO ADJOURN AT 10:35PM:** made by Member Ludwig, seconded by Member Covelli. Motion carried by a voice vote.

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**Jennifer A. Fiorito**  
**Board of Adjustment Secretary**