

**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 March 13, 2022 respectively, and a notice thereof has been posted on the bulletin board in the Municipal Building in the Borough of Wanaque, on the Borough's website and a copy thereof has been on file in the Borough

**ROLL CALL:** Chairman Jack Dunning, Members Helena Aumenta, Michael Sbarra and Dana Lynch and Attorney Ronald Mondello and Engineer Christopher Nash

**ABSENT:** Vice Chairman Grygus and Members Frank Covelli, Eric Willse and Donald Ludwig

**Application ZBA2022-09 – Ferreira, Joseph & Aneta, 130 Jefferson Street, Haskell (Block 456/Lot 19)**

Attorney Mondello swore in Architect Andrew Podberezniak of 11 High Point Drive, Springfield, NJ.

Architect: I am a Licensed Architect since I graduated in 1985 and got my license in 1988. I've worked for a couple different architectural firms and about 20 years ago, I opened my own practice. I've testified before municipalities all over New Jersey and before Clifton in Passaic County.

Attorney Mondello: Any objections from the Board accepting Andrew as an expert in the field of Architecture. Hearing none, seeing none, please tell the Board what this application is about.

Architect: This application is about me putting an addition to an existing house. The existing two story house is tiny. The first floor is only 492 square feet and the second floor is 492 square feet. We have a little side porch that is an entrance to the rear deck and we have a front porch that is 15x6. Maybe I'll have the homeowner now explain officially how he got into this house and why we need and then maybe I get into the technical stuff.

**Attorney Mondello swore in the Applicant, Joseph Ferreira, 130 Jefferson Street, Haskell, NJ.**

**Mr. Ferreira:** The house that I currently reside in at 130 Jefferson Street is a family home. My parents owned this home, I grew up here in Haskell and, once I was married, I moved away for approximately ten years. My father had passed, I brought the house from my mother and brought my family back to Haskell. Growing up in this house, it was always a small house, very tight, and what we are looking to do to achieve is to add additional living space to accommodate my wife, who recently had a stroke and is now paralyzed on the left side. Unfortunately, the second floor is completely off limits to her. A stairlift elevator was an option, I tried to do that, but it was extremely expensive and I would have to renovate my bathroom because it is only a 70 square foot bathroom. It is not wide enough to fit a wheelchair to use the tub and the sink as well. She would have no access to this bathroom so we are putting additional space on the first floor going out the left side facing the house to accommodate a bedroom, closet and an ADA bathroom for my wife. While doing this, opening up the porch to existing living space as well, to enclose that, square the house off to add additional living space. Once we are doing this, we want to be able to do this in one shot. I don't want to have to do this two or three times trying to get additional work done.

**Attorney Mondello:** Any of the Board Members have questions for Mr. Ferreira on the testimony he just gave the Board? Hearing none, seeing none, anyone from the audience? Hearing none, seeing none back to you Andrew.

**Architect:** The property is 95x67, so it is way undersized. The property is required to be 10,000 square feet and we are only at 6,431 square feet, so it is way under. The existing house again is 24'x20.6' house. In the front we have a 6x15 small season porch, which is not heated. After that we have a small eating area/kitchen, then we have a living room which acts as a tv room and stairs going upstairs. There is not even a bathroom on the first floor. On the second floor we have three bedrooms. One of them is 10'x7.8', the other one is 10.9'x8.9' and the third one is 11'x10'. Even if you put a bed, there is no room to go with the wheelchair. The hallway is so tiny and the bathroom is 5-1/2x8-1/2 and a 2' door. This is the real hardship. The property is so tiny there really is no room to put the addition on. The nice big piece is on the left-hand side and that's where we decided to put a handicapped accessible bedroom and accessible bathroom. The bedroom has to be big enough so when you put a bed, you can actually go with the wheelchair on three sides. We then put a door to the back for a small porch so Aneta can get out there and basically see the back yard once in a while. That's the whole idea. It's not a luxury thing that we are asking; it is a necessity.

The addition right now is 13.9' to the left side of the house basically by 22.6', which is the depth of the house. We are not going anywhere beyond that. We are putting in an ADA bathroom with a nice handicap shower, we have room to maneuver with a 5' radius circle for the wheelchair, and we have 36" doors. That is pretty much the addition.

Since we are doing this addition right now, we have that front porch that is in kind of bad shape, we will try to renovate it and maybe get a little bit extra space for the dining room and living room.

**Attorney Mondello:** The only new variances would be the side yard. The rest are existing.  
**Architect:** There are a bunch of existing variances and most of it is because of the size of the property and location of the existing house. The new variances we will be getting is basically is the side yard variance. The side yard is supposed to be 15” on one side. Right now we have a 20.4’ on the right side where there is a driveway for cars and on the left side you have 18.9’. Once we take the 13.9’, we have a 5’ side yard setback. That is one of our variances. The other new variance is the combination of both side yards together. We are supposed to have 35’ and we have 25.4’. Those are the two variances we are seeking. Otherwise, everything else is existing and we are not making them worse.

**Attorney Mondello:** Did you see Engineer Nash’s letter about the shed in the southwest corner of the property is offset 3.2’ and 3.4’ from the rear and side property lines. The shed is not compliant with the ordinance. Is it going to be removed or is Mr. Ferreira seeking a variance.

**Mr. Ferreira:** I would like to seek a variance to keep it where it is.

**Attorney Mondello:** How about the above-ground pool? It is supposed to be 10’ from the property line and it looks like it is 3’, plus or minus, from the south property line.

**Mr. Ferreira:** Same, I would be seeking a variance for that as well if possible.

**Architect:** That is already existing.

**Attorney Mondello:** Anything from the Board Members?

**Chairman:** The only concern I have is where you have the new deck, it is 3’ to that pool. That is safety violation as far as I’m concerned. Now, there is not a lot of detail on that on that deck. Is there any way to make that deck railing facing the back higher?

**Architect:** We can do that. That’s no problem.

**Chairman:** So some kid doesn’t get up there and try to jump into the pool.

**Architect:** That is no problem. That can be a condition. We have no problem with that.

**Chairman:** Pools even that close to a fence are a headache and it is an insurance liability. The rest of it is you are taking a typical Haskell dwelling that was built for the DuPont workers back in the early 40’s and you have to handicap it for your wife. You have a hardship in that sense. Looking at the drawing, you really have to study it to figure out what you are doing because you have additions, but you don’t show the actual main front of the existing house.

**Architect:** On the first floor plan it says existing front porch and then we have addition information.

**Chairman:** It is a little confusing though. What we are trying to do is make it where it makes sense.

**Architect:** Also, on the elevation I’m showing it.

**Chairman:** We are just trying to make it where we can visually see what you are doing. We understand why you have to do it and it is definitely a hardship. There is no doubt about that. What we normally see in these plans is a site plan with a 200’ radius circle around it to show us what the surrounding houses are and how close they are.

**Architect:** Most of the municipalities don't require this. Some time ago, you were suppose to be keynote and the list of the property owners. Over the last three or four years, nobody has ever asked me for that.

**Chairman:** We do. In this case, because the house where you are 5' from their fence or property line, how close is that house?

**Architect:** The house on the left is roughly around 12' to 15' away.

**Engineer Nash:** The Architect obviously read the ordinance. The deck is allowed to be as close as 5' to the property line, so he offset it 5.1'. I like that because, when you set it at 5', you know what happens, it is 4' something.

**Architect:** Also, with the building, if we were less than 5', then we have to do a firewall. This way, we don't have to do a fire-rated wall on the side of the house.

**Engineer Nash:** They are asking for a variance, but they have 5' to the property line. Obviously, not spacious, but again, the lot is only 67' wide. Also, the house is 11' from pool and that magic number is 10' so they have an extra foot. I think the Architect understood the ordinance. Some of the bulk requirements of the ordinance they couldn't avoid for the side yard variance.

**Chairman:** What variance do we need for that pool?

**Engineer Nash:** They need to have a side yard offset variance. They need a 7' variance.

**Chairman:** What about to the new deck?

**Engineer Nash:** The ordinance only describes pools offset from the house, not from decks. They meet the ordinance but I understand it's a practical safety matter.

**Chairman:** You have a basement under your existing house?

**Mr. Ferreira:** Correct.

**Chairman:** Are you putting a basement under the new addition?

**Mr. Ferreira:** I didn't intend on it.

**Architect:** It will be a crawl space.

**Chairman:** Any other questions Board Members?

**Member Aumenta:** No, I think for me the offset on the side of the house when I saw side yard that made me feel better about the 5' and the railing makes me feel better too.

**Chairman:** Chris, are you all set?

**Engineer Nash:** Good to go.

**Member Sbarra:** Your neighbor, where you're building the addition, has a tree. Assuming you get approval for this, have you had any conversation with the neighbor on this?

**Mr. Ferreira:** I have. My next door neighbors are Guy and Mary and Corter and I've had many conversations with them about the tree. It's a few branches I would have to cut down. It is not a lot of the tree it's just to get to the height of the peak of the roof. If I went two stories, that is a different topic, but its only a single story so I have maybe ten small branches that need to be trimmed back.

**Member Sbarra:** How about you even digging down to do the foundation work?

**Mr. Ferreira:** As far as the roots are concerned, Jefferson Street just had new sewers put in and they dug right up the side of the yard right where that is and there were no real issues.

**Architect:** Also with the crawl space, we are only going 3’.

**Chairman:** Any other questions?

**Attorney Mondello:** Anybody from the public, hearing none, seeing none, back to the dais for a Motion for or against.

**Motion To Approve application the side yard variances along with the two additional variances for the pool and the shed and the additional height of the deck railing.**

**MOTION TO APPROVE APPLICATION ZBA2022-09:** made by Member Aumenta, seconded by Member Sbarra. Voting yes were Chairman Dunning, Members Aumenta, Sbarra and Lynch **Motion Carried**

**PUBLIC DISCUSSION:** No public in attendance at meeting.

**CORRESPONDENCE:** Attorney Mondello advised we have received some letters from Board Members and I’d like to read some of them into the record:

Suzanne Henderson sent a letter to the Mayor dated July 5, 2022 indicating that she is selling her house and will be moving at the end of the month so she is resigning since she will be not living in town anymore.

**MOTION TO ACCEPT BOARD MEMBER HENDERSON’S RESIGNATION:** made by Member Lynch, seconded by Member Sbarra. Voting yes were Chairman Dunning, Members Aumenta, Sbarra and Lynch **Motion Carried**

Charlie Sahanas sent a letter dated August 17, 2022 indicating he is resigning from the Board.

**MOTION TO ACCEPT BOARD MEMBER SAHANAS’ RESIGNATION:** made by Member Aumenta, seconded by Member Sbarra. Voting yes were Chairman Dunning, Members Aumenta, Sbarra and Lynch **Motion Carried**

**RESOLUTION: ZBA2022-06 – 8 Coles Ave Property LLC (Big Foot Tree Service)**

**Attorney Mondello:** We heard this matter in May. This was the application by a company that cuts down trees. They wanted to retain the existing single-family home and demolish the detached garage and construct a new a detached commercial garage. This is quite lengthy at 30 pages. The typical conditions were included. However, the Applicant shall return to the Board if any expansion of the business is considered. You may recall that they want to buy the property behind them. Two brothers fighting but sooner or later they may decide to do that. Applicant is supposed to submit a lighting plan so that is another

condition. Applicant will provide a 5' buffer in the rear of the garage and maintain the structure behind the line of the existing residential house. Applicant will install smart vents for water or flooding as per the Building Department. Applicant will install a "fence" of shrubs and reconstruct the patio in front of the residential house and will install poles or chain to define the property line. No parking is permitted in front of the house and the Applicant will install curbing to discourage any parking there. Applicant will also install a small concrete apron in front of the garage. Any comments, changes, corrections, modifications?

Engineer Nash: Just procedural, the Applicant will revise the plans and send a conformed set or compliance set and I'll review it against the conditions.

Chairman: Did you ever get the lighting plan?

Engineer Nash: No. They maybe waiting for the Resolution. The steps would be that they have to submit that plan as part of the building permits. Someone from the Building Department, when there is an application like this, will check with me to make sure that all the conditions are met.

Construction Official: Prior to C.O. it'll go to you.

Engineer Nash: Is it prior to C.O. or prior to issuance of the building permits? Don't they have to have some of this stuff on the plans?

Construction Official: I'm sorry, I thought they had everything on the plan for you.

Engineer Nash: No. They submitted a plan set and there were comments during the hearings and so there are conditions in the Resolution that aren't on any plans yet.

Board Secretary: When I send the Resolution to the attorney, I can include in the letter that we look forward to receiving revised plans along with the lighting plan and then we will submit them to you.

**MOTION TO MEMORIALIZE THIS RESOLUTION AS PREPARED BY BOARD**

**ATTORNEY:** made by Member Sbarra, seconded by Chairman Dunning. Voting yes were Chairman Dunning and Members Sbarra and Lynch  
Member Aumenta abstained

**ENGINEER'S REPORT:** We received an application for 25 apartment units north of Dunkin Donuts. I haven't done any research on it yet. The Board Secretary will put it on the November 2, 2022 Agenda and handed out the application to the Board Members in attendance.

**VOUCHER:** submitted by Ronald Mondello, Esq. for attendance at the October 5, 2022 Meeting in the amount of \$400.

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

**VOUCHER:** submitted by Boswell Engineering for Macedon Builders in the amount of \$106.

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

**VOUCHER:** submitted by Ronald Mondello for 8 Coles Ave Property LLC in the amount of \$990.

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

**VOUCHER:** submitted by Boswell Engineering for 8 Coles Ave Property LLC in the amount of \$901.

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

**MOTION TO APPROVE MAY 4, 2022 MINUTES:** made by Member Sbarra, seconded by Member Lynch. Voting yes were Chairman Dunning, Members Sbarra and Lynch  
Member Aumenta abstained

**DISCUSSION:** Member Aumenta brought up the Application heard on behalf of Thomas Buske, who owns the property on the corner of Coles Avenue and Ringwood Avenue and was putting an office on the first floor of the house and apartment on the second floor. Nothing has been done on that house for months and it is an eyesore. Is there any way we can get him to do something? Construction Official advised that we did issue the permit and spoke to him about getting that land in compliance. Member Aumenta stated they have done nothing to the house that faces Ringwood Avenue. It has no siding, stuff is starting to blow off of it; it is a nuisance. Chairman advised once we approved something, they have one year to pull a permit? Attorney Mondello advised his understanding is if the Board does grant a variance that, if they don't put a shovel in the ground within a year, and you don't give them an extension, some of the courts say you don't have authority to give them an extension, but most Boards will say yes to an extension, they will lose the variance. Construction Official advised once a permit has been issued, he has to commence construction within a year and then once construction starts, construction is not permitted to cease for more than a six month period or the permit is considered lapsed. I will give him a call. Chairman Dunning is also concerned about the curbing and roadway with the Buske and Big Foot projects.

**MOTION TO ADJOURN AT 8:50PM:** Motion carried by a voice vote.

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Jennifer A. Fiorito  
Board of Adjustment Secretary