

**REGULAR MEETING**  
**ZOOM VIDEO CONFERENCE**

**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 19, 2020 and August 16, 2020 (Zoom Meeting) 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:** Vice Chairman Bruce Grygus, Members Frank Covelli, Bridget Pasznik, Don Ludwig, Michael Levine and Helena Aumenta and Attorney Ronald Mondello and Engineer Christopher Nash

**ABSENT:** Chairman Jack Dunning (absent with notice due to illness), Members Larry Malone and James Minogue

Board Secretary: We have six (6) Board Members present. There are three (3) absent. We have a total of nine (9) members on the Board.

Attorney Mondello: Use Variance requires five (5) affirmative votes.

**APPLICATION: ZBA2020-06 Chabad Jewish Center, 815 Ringwood Avenue (Block 306/Lot 12)**  
Attorney Moshman has requested that this matter be carried to the October 7, 2020 Meeting. There was an issue with us not having an August Meeting because of the storm and power was out. After this meeting, when the October Zoom Meeting is scheduled, the link for that meeting will be forwarded to Attorney Moshman for him to prepare the notices and publication to resend for the October Meeting.

**MOTION TO CARRY APPLICATION ZBA2020-06 TO OCTOBER 7, 2020 ZOOM MEETING:**  
made by Member Covelli, seconded by Member Ludwig. Voting yes were Acting Chairman Grygus, Members Covelli, Pasznik, Ludwig, and Aumenta.  
Member Levine abstained because he has recused himself from this Application.  
Motion carried.

Attorney Mondello: So it is clear, Board Member Levine is recused from any participation in the Chabad Temple Application.

**ZBA2020-07 – The Catherine Civil Trust – 24 Erie Avenue (Block 236/Lot16)**

**Attorney Mondello:** I'd like to change your name here so that people know who you are. What is your name?

**Applicant:** Catherine Schreck and Michael Civil.

**Attorney Mondello:** I don't know who is speaking, but what I'm going to do with your permission Mr. Chairman, is if the noise gets too loud, and there are interruptions, I'm going to mute everyone except for the individual that is speaking.

**Acting Chairman Grygus:** Before they proceed Ron, I just want the Applicant to know that the Use Variance requires five (5) affirmative votes, and we have six (6) Members tonight. We usually have more.

**Board Secretary:** We haven't had all nine (9) Members at all this year. We usually have either have five or six.

**Acting Chairman Grygus:** So then your choice is to either carry to a time where hopefully the Board gets additional members which may enhance your possibility of getting five votes, or you can hear your case this evening with the six that we have.

**Attorney Mondello:** Ms. Schreck, do you understand that?

**Ms. Schreck:** I do understand but we waited a long time. I don't know.

**Attorney Mondello:** That's fine. You can proceed with the six members with the understanding that you need five affirmative votes in order for your application to be approved.

**Ms. Schreck:** Okay.

**Attorney Mondello:** I've had an opportunity to review the notices and the publication in the paper and I would deem the application complete from a legal perspective and that jurisdiction is vested in the Board to hear this Use Variance. Ms. Schreck who's going to be testifying?

**Ms. Schreck:** Well, we are both here together. Is that fine?

**Attorney Mondello:** Would you please raise your right hand? Do you swear or affirm that the testimony you are about to give be the truth, the whole truth and nothing but the truth?

**Ms. Schreck:** I do.

**Attorney Mondello:** Okay. State your name, spell your last name and give us your address.

**Ms. Schreck:** Catherine Schreck, 6 Holderness Drive, Sussex, New Jersey, 07461.

**Attorney Mondello:** Please tell the Board what you want to do and why you want to do.

**Ms. Schreck:** We've had this building for many years now and we've had an office underneath where Augenti & Civil have been doing our business, which was a family business. The building is owned by the family actually my mother. We have two apartments upstairs and we'd like to make the office a third apartment. We actually tried to rent it out as an office and we had it in a realtor's office for I guess six or more months, and we had no luck at all getting any kind of business that wanted to come in and rent it.

**Attorney Mondello:** Okay, I'm not, and I can't give you legal advice, but your seeking something known as a Use Variance, which is extremely difficult to get and typically there's some testimony as to how this prohibited use is not going to interfere with the Wanaque Zoning Code and it's not going to interfere with the Wanaque Master Plan. What you have just testified to is money and money never carries the day especially for a Use Variance. Obviously I leave it up to the Board to see if they have any other questions for Miss Schreck, but that's where we're at.

**Acting Chairman Grygus:** A Use Variance is probably the highest level to have to prove. You have to prove, like Ron started to say, positive and negative criteria. Hardship is one case but financial is not a hardship that is considered typically. Like Ron said, he's not giving you legal advice, nor am I, but most of our Use Variances, I will say at a minimum, usually have an attorney represent them and also a planner. The planner is the one that can testify to the positive and negative criteria. It's up to you. We're just want to make sure you are aware of everything going into this.

**Ms. Schreck:** Well, I guess I asked people there because I did go to the building and I tried to get some information and I never got to talk to anyone that could fill me in. I don't understand. Our building is in an area where almost every house around us is all multi-family with tenants and apartments. What I don't understand is how this could be any different than the house on the right of us or the house on the left of us. Maybe that has nothing to do with what you're saying, but I guess I need somebody to help me understand.

**Attorney Mondello:** Yeah, that should be, as the Chairman indicated, an attorney, not the Building Department, and a planner. You already started down the right road. Where your property is, it is prohibited to have a residential on the first floor, but it's pretty potent that you just said, "all my neighbors are residential". How far is the closest residential neighborhood or house? I don't know, but that's the kind of testimony that the Board needs, not that we put it up with a realtor and we can't make any money for six to eight months. I'm sure the Board would love to do that, but they would be remiss and they will be in violation of their legal duties to weigh the positive and the negative criteria associated with this. A Use Variance, as the Chairman said, is complicated, and it can be complex. So more often than not, an Applicant hires an attorney and the attorney typically finds a planner. A planner is an expert to talk about some of the things you started to talk about.

**Acting Chairman Grygus:** So again, we're not telling you that you need to go get those two before we'll hear your case. We're just trying to make sure that you understand the degree of testimony that is required to satisfy the requirement for the Board to be able to grant a Use Variance. That Use Variance goes for the life of the property, so it carries a heavy burden of proof.

**Member Ludwig:** We can't advise you as to what to do, but I think you might be better off spending some money on expert testimony, especially since the vote is so close with the number of people that are going to be voting for you. Two no votes and you're in trouble.

**Acting Chairman Grygus:** Another good avenue too is to also take a look at the Board Engineer's letter and look at the things that he's identified that could be potential obstacles for you to meet that burden. Again, it's your choice; it's your application.

**Mr. Civil:** We just we go through this vote tonight for you guys, and if we don't make it through, we have to reapply. Is how it would work out?

**Attorney Mondello:** I misunderstood.

**Acting Chairman Grygus:** If he were to go through his testimony tonight and the Board did not grant him approval, and he wanted to come back with professionals, he would have to re-advertise, and reapply.

**Attorney Mondello:** No, he is done; he's finished. There is a legal doctrine called *res judicata*, Latin for already adjudicated. If the Board votes on this and denies it, you're finished. You're done unless you come back with a substantially different application and I don't see how it would be substantially different.

**Mr. Civil:** Okay, then. We don't want to take up any more your time.

**Member Ludwig:** We're just trying to give you good advice.

**Acting Chairman Grygus:** I'm not trying to scare you away, and I'm not trying to have you go out and spend a lot of money. I just want to make sure your eyes are wide open going in because, I will tell you that 99% of our Use Variances that come in, are represented by legal counsel and a planner typically, and quite often an engineer and an architect too.

**Member Covelli:** If I may, Mr. Chairman, maybe an easier way to say this is what you're asking us to do is you're taking the zoning laws of the Borough of Wanaque and you're saying those rules shouldn't apply to us because of the following reasons. And then we hear those reasons as presented by your application and your testimony, and we decide if we believe that the case made as to why those rules shouldn't apply to and we should grant a variance which, as the Acting Chairman said, runs the life of the property, so the burden is heavy and the hardship has to be a physical hardship or a non-monetary reason. A difficulty in the property or something of that nature not having to do with revenue or income or that we tried to rent it and it didn't rent.

**Ms. Schreck:** Okay, I understand that. Just one more question, and I don't even know if you guys can answer since, like you said, it may be an attorney question, but we're the only business on the road. All the other ones are all multi-family. How did it even happen?

**Member Ludwig:** Some of them may have predated the zoning.

**Member Levine:** Maybe I'm missing a drawing. Are there any plans as to how you're going to renovate the office to actual an apartment?

**Mr. Civil:** Yes. There was.

**Member Levine:** Okay. I wasn't in my package.

**Acting Chairman Grygus:** Again, I would encourage you to, which I'm sure you did, review the Board Engineer's letter and the issues that he identified and then see how you can go about addressing those issues.

**Attorney Mondello:** Any other questions that the Applicant has?

**Ms. Schreck:** No, no questions.

**Attorney Mondello:** Is it your decision to go forward this evening or not?

**Ms. Schreck:** No, we're not going to go forward.

**Attorney Mondello:** You are going to seek legal advice?

**Mr. Civil:** Yeah, that's what we're going do.

**Attorney Mondello:** Wise decision.

**Member Ludwig:** Do we need a vote to dismiss without prejudice?

**Acting Chairman Grygus:** No we're going carry it to the October meeting.

**Member Covelli:** That's exactly what I was going to recommend . In other words, it'll give you time to do a little bit of homework, and then you can decide if you want to jump in the pool or not per se. You don't necessarily make that decision at the moment. We'll vote to carry you to the next meeting which gives you a month and do some homework.

**Member Ludwig:** I guess if they can't get all their ducks in a row, they could advise us and ask for a postponement. So we don't put it on the slot for next month's meeting.

**Acting Chairman Grygus:** They can be in touch with Jennifer.

**Attorney Mondello:** Now I would suggest we carry it to October with no further notice required. If there are any objectors or residents that may be in favor of this Application, please understand it's going to be carried to the October meeting and the October meeting is October 7<sup>th</sup> at 8pm. You'll get a motion to carrying this application to the October meeting. I'll make a motion. Well, sorry.

**MOTION TO CARRY APPLICATION ZBA2020-07 TO OCTOBER 7, 2020 ZOOM MEETING:**  
made by Member Pasznik, seconded by Member Ludwig. Voting yes were Acting Chairman Grygus, Members Covelli, Pasznik, Ludwig, Levine and Aumenta.

**Member Covelli:** So with that Motion, we've provided you some breathing room. You're no worse off or better off than you were and you now have a month to do some research on your own, talk to professionals or people that you feel best to talk to. If you need more time, you let Jennifer know and we can carry you again.

**Ms. Schreck:** Thank you very much. Do we need to redo all the letters again for this.

**Board Secretary:** No.

**Acting Chairman Grygus:** As the Board Attorney said you've already noticed. Anyone who may be listening to this Meeting and has an interest in your Application has already been advised that it's going to be carried until October. So no, you do not have to re-notice or anything else.

**Attorney Mondello:** So the Applicant you can drop off and anyone that was associated or interested in this Application certainly could drop off because that business is concluded for this evening.

**Ms. Schreck:** Thank you.

**Application 2020-08 – Macedon Builders, Inc. 33 Decker Road (Block 432/Lot 3)**

**Acting Chairman Grygus: Anybody here on this Application?**

**Attorney Petreski: Yes, Mr. Vice Chairman. My name is Blagoja Petreski, Petreski Law Offices, Kinnelon, New Jersey, on behalf of the Applicant, Macedon Builders. Property address is 33 Decker Road in Haskell, Block 432/Lot 3.**

**Attorney Mondello: Why don't you briefly tell the Board what your client would like to do, who the witnesses are this evening, etc.**

**Attorney Petreski: Sure, we're asking for four (4) bulk variances. They're going to be under the C-1 Classification under the hardship arising from an exceptionally narrow, in this case, lot. The four variances that we are seeking are lot area where required is 10,000 square feet and we have 7,488. The lot width is 80 square feet and we have 50 square feet. The side yard setbacks, we have 15 on each side and we only provide nine and a half and the total required is 35 and we can only provide 19. The first two variances that I mentioned are pre-existing. The other two are as a result of construction. The plan is to hopefully get approval to construct about 2,000 square foot single family dwelling. We have provided both drawings and a proposed plan and pictures of a property that was similar that was constructed last year in the Borough of Bloomingdale. Again, we are seeking a hardship based on the narrowness of the property. It's a 50 foot wide lot. The house is going to be of similar character nature as all the other properties on the street. They're all single family on that street. I have testimony from our Engineer, Mr. Alexander Petreski. He is going to go over the site plan and the work that is going to be done on the property. I guess at this time I can I can ask for him to give his qualifications.**

**Attorney Mondello: Okay, that's fine. Thank you. Mr. Chairman, I did have an opportunity to review the notices and the publication in the paper. I would deem the application complete from a legal perspective and that jurisdiction is vested in the Board to hear this. Welcome, Mr. Petreski. I see we have same last names.**

**Engineer Petreski: Yes, Counselor. He's my brother.**

**Attorney Mondello: Ah, fair enough. Okay, so nobody's getting paid, I guess.**

**Attorney Petreski: No, my father is the owner.**

**Attorney Mondello: So you're really not getting paid. Would you please raise your right hand? Do you swear or affirm that the testimony you are about to give be the truth, the whole truth and nothing but the truth?**

**Engineer Petreski: I swear.**

**Attorney Mondello: Please state your name, spell your last name and give us your office address.**

**Engineer Petreski: My name is Alexander Petreski.**

**Attorney Mondello: Mr. Petreski, this Board, I don't believe, has had the pleasure of having you provide testimony before so please give the Board the benefit of your qualifications.**

**Engineer Petreski: I'm a Licensed Professional Engineer in the State of New Jersey since 2015 and in the State of New York since 2018. I graduated from Stevens Institute of Technology in 2010 with a Bachelor's and Master's in Civil Engineering. I after graduating, I was employed at**

**Ofac With Partners for approximately 9 years where I rose to the rank of Senior Structural Engineer. The past two years I've been employed by Darmofalski Engineering Associates based out of Riverdale, New Jersey. My responsibilities at Darmofalski Engineering are to be the Land Use Board Engineer for the Boroughs of Riverdale, Lincoln Park, Bloomingdale, Butler, and Kinnelon. Those are the five boroughs which I review land use applications for. I sit on the Land Use Board, the Planning Board and Zoning Board of Adjustments for the Borough of Lincoln Park on occasions.**

**Attorney Mondello: I know that Paul retired. Who is running the show there?**

**Engineer Petreski: Tom Boorady is running the show these days.**

**Attorney Mondello: Very bright engineer. Any Board Members have any objection to admitting Mr. Petreski as an expert in the field of engineering? Hearing none, seeing none; your witness sir.**

**Attorney Petreski: All right Mr. Petreski, you may begin with the description of the application.**

**Engineer Petreski: The property in question is a vacant lot created in a subdivision in 1950 and is located in the R-10 Zone. It's approximately 50 by 149 feet deep. Lot area is 7488 square feet, where 10,000 square feet is required. This is a pre-existing, nonconformance. The lot width is 50 feet, where 80 feet is required. Again, this is another pre-existing nonconformance. Lot depth is 150 feet, where 120 feet is required. This is a conforming dimension. The property is currently undeveloped and there are no improvements on the property other than an existing fence and a concrete pad in the rear. The property is wooded and there are approximately one to two dozen trees of varying calipers; there are some are less than six and there's a handful of greater than six inch diameter caliper. Along the westerly property line, there's approximately a 6' tall outcrop. All necessary utilities are located in the right away. There's water, sewer gas, stormwater and electric. To the rear of the property, Parkside Townhomes abut the rear of the property. The Applicant, as its own builder, is proposing to construct a two-story, 2000 square foot home with a gross area of 2500 square feet approximately. There are four (4) bedrooms and two and a half (2-1/2) baths proposed in the home. The architectural drawings depict a home in line with one that was constructed by Macedon Builders in the Borough of Bloomingdale on a similarly sized lot. That lot was 50 by 175 feet, where this lot is 50 by 150 feet. The front yard setback for the proposed home is 36.5 feet, where a minimum of 30 feet is required. Again, that is conforming. The side yard setback proposed is 9-1/2 feet, where 15 feet is required. This setback requires a variance. The bulk of the home is 10 feet away from the side property line, except for the front of the home where we've added a 6"buffer for any veneer that my father would like to add along the front porch. That's why you see a 9-1/2' dimension and not a 10' dimension. The side yard combined is 19', where a minimum of 35' is required. This is a C-1 Variance that we are requesting. The rear yard setback is significantly conforming. It's 63', where a minimum of 40' is required. The building coverage is also conforming; where 18.7% of coverage is proposed, where 25% is permitted. Finally, the proposed building height is 24.4', where a maximum of 35' is permitted, and, again, that is conforming. I can share my screen just to go over the architectural drawings briefly.**

**Attorney Mondello:** One second. Go ahead, you got it.

**Engineer Petreski:** Can everyone see my screed. To briefly go over the architectural drawings. There's going to be a front entry porch approximately 6' in depth with several stairs leading up into the house. When you come into the house, you are welcomed by the foyer area and a stairway to the right that leads up to the second floor. As you travel down the hallway, there's a kitchen located with approximately a 9' long island, a living room and a dining room. To the rear of the living room, there is a sliding glass door that takes you out to the patio. If we go back to the front of the home, you'll notice there's a garage approximately 15' wide with a 9' wide door by 8' tall. If you go up to the second floor, you will see the four bedrooms. There's a master bedroom with on-suite bathroom and two walk-in closets. If you look in front of house, there's an office/guest bedroom. That one room is a bit smaller than the rest of them, so it can function as both an office and a guest bedroom. We go to the rear of the home and there are two equally sized bedrooms, both about approximately 13'x13'; very large bedrooms. There are two bathrooms at this floor; one is the on-suite for the master, and then the second bathroom for the other bedrooms. These pictures of the home that was constructed in 2019 by Macedon Builders should have been included in your packet. I am showing it here for everyone to take a look. The front of the home is trimmed with HardiePlank and PVC trim. The side of the home is vinyl siding, and the front and around the side of the porch is a stone veneer. Windows are quite large for this size home. Now I'm going to switch over to the variance map and the grading plan.

**Member Covelli:** Is this house on Van Dam.

**Engineer Petreski:** The house is on Ballston Street across from the water and sewer department.

**Member Covelli:** Somebody on Van Dam copied your color. I recognize the color of that house.

**Engineer Petreski:** One of the natural features affecting the site is the rock outcrop on the westerly line. We have not done any testing so we don't know the extent to which this rock outcrop extends below grade. In any case, we're proposing a home with no basement. Macedon Builders does not plan on blasting. It has limited capabilities in terms of excavating rock, so we do not plan a blasting. We want to limit the rock excavation as much as possible and limit the disturbance through the neighborhood as much as possible. That's why we're proposing a home without a basement. If you come down the property, we're proposing dry wells to store any stormwater runoff. As your Engineer noted in his letter, we are at the high elevation relative to some of our neighbors homes and some sort of stormwater collection system is the responsible thing to do. We have not, to date, done a test pit in the rear here to confirm that this seepage drywall is feasible because the area is currently wooded and we're only the contract purchasers. If the application is approved, we will be doing a test pit prior to starting construction. If the test pit indicates poor soils or high ground water, we would discuss with the Borough to connect to the stormwater system in the right of way. To address the Engineer's comments, we acknowledge all of the Board Engineer's comments and we have no objections. I addressed the test pit for the drywall. We have no objections to removing the driveway encroachment and will reach out to adjacent property owner to do so. An exterior stair will be added to the rear patio in order to

access the living room. That was an omission on the prints and my fault. I think that about sums up my testimony for this application.

**Attorney Mondello:** Mr. Chairman, do any of the Board Members have any questions for Mr. Petreski?

**Acting Chairman Grygus:** Are you proposing any blasting into the rock?

**Engineer Petreski:** No, no blasting. My father is proposing rock hammers or I was looking at some products that are expanding concrete. We do not plan on blasting.

**Acting Chairman Grygus:** It may say it's somewhere but I didn't see it. Is this going to be stick built or will it be a modular?

**Engineer Petreski:** It is a stick build. It will not be modular.

**Acting Chairman Grygus:** You have a lot of depth. Could you perhaps just maybe share with the Board challenges, pluses and minuses, of possibly trying to minimize the side yards a little bit and make the house deeper. I mean, I know you don't want to get a bowling alley but is there any feasibility. Did you look at that at all?

**Engineer Petreski:** We considered it. We also considered that a 30' wide house is customary for a 50' wide lot in New Jersey. Reducing the width would significantly reduce the size of the bedrooms, create awkwardly proportioned bedrooms and then the kitchen, living and dining rooms would get compressed. Potentially there wouldn't be enough width for the garage. There would be a lot of architectural challenges to tightening the house to under 30'.

**Acting Chairman Grygus:** Could you point the Board to other homes in the area with similar size lots that are of also the similar width?

**Engineer Petreski:** If you look along Decker Road, and I drove by again this morning, many of the homes are Cape Cod homes that are similar in width to this home. This home has increased depth relative to those homes, but the typical lot in this neighborhood is 50' wide. The typical Cape Cod home is a little under 30' based on what I saw this morning.

**Attorney Mondello:** Any other Board Members have questions for Mr. Petreski?

**Member Covelli:** The proposed height of the house you would like to construct, how does that fit in with the neighborhood?

**Engineer Petreski:** I mean many of the homes are Cape Cod's along the opposite side of the street, but many of the homes on our side of the street are similar in height, including the adjacent home. Many of the homes actually on this side of the street are built on top of the rock outcrops and are significantly taller than our home. So this home will be in line with the rest of the homes with it on its side of the street and in many cases shorter.

**Member Covelli:** Do you have a dimension on the approximate peak of the house? Mr. Nash or Mr. Hafner, are variances not required under the proposed construction of this house?

**Engineer Nash:** For height you're talking about?

**Member Covelli:** Yes.

**Engineer Nash:** They are not asking for a height variance.

**Engineer Petreski:** The height in Wanaque is measured to the midpoint of the roof which measures out to 24.4'. We are significantly conforming in terms of building height.

**Acting Chairman Grygus:** Can you tell me how far the neighbor's house is from the proposed air conditioning unit location?

**Engineer Petreski:** So if you look at the Variance Map their driveway actually comes a bit further past the house. Maybe I'm incorrect about this, but it appears to be about 20' to 30' to the air conditioning equipment.

**Acting Chairman Grygus:** From your air conditioning equipment to their house?

**Engineer Petreski:** Yes. If the Board wishes, we could relocate the air conditioner equipment to behind the home to further increase the distance.

**Acting Chairman Grygus:** Thoughts folks?

**Member Covelli:** I think that's a very good recommendation.

**Acting Chairman Grygus:** I think so too.

**Member Pasznik:** I agree.

**Member Covelli:** Not only from a noise perspective, but also from an aesthetic perspective.

**Engineer Petreski:** Yes. Okay.

**Attorney Mondello:** Any other questions from Board Members?

**Engineer Nash:** I typically have questions and comments, but it's a well-engineered plan. My comment on the detention system stands but, you know, it is well thought out.

**Member Covelli:** I have an additional question, which kind of piggybacks to Bruce's question, you testified that you're not really equipped to determine the extent of the rock on the property. But what you've testified is that you won't be blasting. You'll be using hammers and the like. What if you can't get that rock in conformance where you can put the house on a slab? Will you resort to blasting?

**Engineer Petreski:** We would like to avoid blasting altogether. If the excavation of the rock proves difficult, we would consider raising the house before we would consider blasting. We're significantly shorter than the maximum height allowed, so increasing the home height would be our preferred option over blasting.

**Member Covelli:** What does that do to the garage if you had to raise the house?

**Engineer Petreski:** The garage remains at its current location, but there'll be a couple of additional risers up to the main portion of the house. The garage was situated opposite the rock outcrop to avoid that situation.

**Member Covelli:** So you have planned on the fact that, if you were not able to, you would adjust the height of the house, but the footprint of the house and the overall configuration would remain unchanged.

**Engineer Petreski:** Correct.

**Member Ludwig:** There's a number of ways they can get rid of that rock and, even if they have to go to blasting, it's amazing what some of these good blasters can do. I've had jobs where we're

right up next to the existing house to get an addition put on. I know they want to avoid bit, but I mean it's possible.

**Member Covelli:** The problem is never when it's a good job. It's when it's not a good job that we run into it.

**Attorney Mondello:** To Don's point, it's become a science. It's extraordinarily accurate, but you're right.

**Engineer Nash:** The rock outcrops are like icebergs. They're only bigger as you go down.

**Member Ludwig:** It makes for a good foundation though.

**Attorney Petreski:** I think I can represent on behalf of the owner of the company that they're going to avoid blasting at all cost. It's a significant cost. It is much more cost effective to hammer out or find another means by raising the house or using a hammer on an excavator then blasting. Blasting would absolutely be the last resort and the positioning of the garage is done on purpose to avoid the outcrop and allow the property to be raised if need be. You have about 9' that we could raise it based on the maximum height. Everything is designed to avoid having to blast in that area.

**Member Covelli:** That was an excellent answer because that was going to be my next question of how much height do we have before you're put into a position of asking for a variance on the height.

**Engineer Petreski:** We actually have 10-1/2' - 24.4 to 35. We have 10-1/2' we can raise it, which would put it up into the sky, so we're never going to need that much. We would never need a variance on height.

**Member Covelli:** I have one other question. So when you did your evaluation of the property, you've testified that you'll be putting in seepage pits. Will the ground support that in terms of where that rock is? Is there a clear enough area to install those seepage pits?

**Engineer Petreski:** Yes, this was brought up also by your Engineer. We have not done a test pit to date. We would do a test pit to confirm that the ground conditions would support a dry well. If the ground conditions show that they cannot support a dry well, we would approach Wanaque to connect to the E Inlet located in the front in the right of way. It is located directly in the frontage of the property. If you look at the plan here, there's a Type E Inlet on my screen up here, if everyone can still see my screen,

**Member Covelli:** I can see but, I can also tell you we have drainage issues in that area of town, so we're not looking to increase the inflow into any of those storm waters.

**Acting Chairman Grygus:** Yeah, I don't know how receptive the Borough would be with that.

**Engineer Petreski:** There are other options. There is also the option of one of the underground chambers that are significantly shallower if we hit bedrock. At a shallow depth, we can look at alternative options for stormwater detention.

**Acting Chairman Grygus:** There's no access from the rear of this property at all, correct?

**Engineer Petreski:** Correct. It's a butting against the top Parkside Townhomes.

**Acting Chairman Grygus:** You're proposing 9-1/2' side yard on both sides.

**Engineer Petreski:** Correct.

**Acting Chairman Grygus:** If you did put those pits in the back, and let's say hypothetically they had to be serviced to the point where you had to get some piece of equipment back there, would you be able to get that piece of equipment in the back?

**Engineer Petreski:** A smaller pieces of equipment could fit in the 9-1/2' width and also a smaller diameter seepage pit, as well as alternate systems. The name is eluding me but there are two storm tech chambers that you could use it if you ever needed to make any repairs.

**Acting Chairman Grygus:** I don't think you'd be able to take it to the rock outcropping side. The other side you've got the gas meter and stuff mounted on the house, so you're going to lose a little bit of flexibility there.

**Engineer Petreski:** It would be a tight fit.

**Attorney Mondello:** Any other questions from Board Members?

**Member Aumenta:** That property is right at the Stop sign at the end of Decker there. How close to where the stop is, is the actual driveway that's being planned? Is it right at the end of the intersection? I can't tell from the plan.

**Engineer Petreski:** If you can see my screen, the Stop bar is significantly past our driveway.

**Acting Chairman Grygus:** The other driveway is actually there.

**Engineer Petreski:** Yeah, there's another driveway before you reach that Stop bar.

**Member Aumenta:** Okay. Yeah, I couldn't see where from the plans. I couldn't see where the actual Stop sign was compared to where the driver was planned.

**Acting Chairman Grygus:** Are you going you could have anyone else testify?

**Attorney Petreski:** I do have the owner of Macedon Builders if the Board would like to ask questions. I don't know if it's necessary or not. I don't have any other professionals to testify.

**Acting Chairman Grygus:** Did you receive the correspondence from the adjacent property owners?

**Attorney Petreski:** Yes. I sent out for buy/sell letters. I got a reply in writing from 55 Fourth Avenue stating that they have no interest in purchasing the property or selling their property. I got a call from the Condo Association's Attorney as well, just asking me and verbally said he had no interest. The other two owners, I guess when you're looking at the screen right now, the house to the left and the house to the right, I did not receive responses from them.

**Acting Chairman Grygus:** So who are Lot 2 and Lot 3?

**Attorney Petreski:** Lot 2 I have a Thomas and Jacqueline Gutschmidt. In reference to the property in question, Lot 2 is where the Stop sign is. That is the next door neighbor and I did not receive a response from them either in writing or verbally no response.

**Board Secretary:** I did get one at the Borough Hall.

**Member Covelli:** Do they have a substandard lot?

**Attorney Petreski:** Yes.

**Attorney Mondello:** They can't sell.

**Member Covelli:** So even if they were to agree to sell you a piece of theirs, it would just be exacerbating their nonconformance.

**Acting Chairman Grygus:** They are offering to sell their entire house so that the two lots would merge. Lot 3, is that the other side?

**Attorney Petreski:** Lot 4 is the other side. All four are undersized. I sent out the letters as a pro forma so that I have it on the record, but no one can sell enough lot to make our lot conforming. I was not aware that that someone had offered to sell their property so that's a surprise to me today.

**Attorney Mondello:** Well, I certainly don't want to encourage non-conforming lots to be further non-conforming.

**Member Covelli:** So to be clear, Counselor, I was under the impression that they weren't going to sell their house, they were offering to sell a piece. So if they were to sell the entire Lot 2 to you, would that make a combined Lot 3 a conforming lot?

**Attorney Petreski:** I have not done the calculations on that. It's a little difficult because it is a corner piece, and I also believe, and I think counselor can confirm this, they have to offer a reasonable price for the property. So just off of, you know, what I've heard, I can't make a determination on that, but it doesn't look like. It's not something that could be assessed on the fly.

**Acting Chairman Grygus:** You are Lot 3 and there's another form here that I'm assuming was filled out by the Applicant. Are you willing to sell the property for \$25,000? Is that what it says?

**Attorney Petreski:** No, we would not have put a price on so that must have been the homeowner that put in that that amount.

**Member Ludwig:** I think they want to buy the lot from them for \$25,000; the lot that we are talking about building a house on here.

**Attorney Petreski:** Without the ability to look at that, it looks like number two says we are willing to pay, and if that says \$25,000, that means they're offering to purchase the property for 25. I can tell you that we're under contract to purchase for twice that so you know that wouldn't be reasonable. When I received the response from 55 Fourth Avenue, I kept the letter with the return address to figure out who it is. They didn't put their name on the form. So I don't know if you have the envelope that it was sent from.

**Acting Chairman Grygus:** Do you know who this other one is from Jenn?

**Board Secretary:** No, it looks like the first name is Kelly. I didn't keep the envelope. Okay.

**Attorney Petreski:** Lot 4 is Kelly Van Horn. So that may be who sent it in.

**Board Secretary:** Sent Attorney Petreski the letter.

**Attorney Mondello:** So let's just sort of recap. An applicant is under no legal obligation to ask adjoining owners if they want to sell, it is the better practice. However, if in fact they find an adjoining lot that's conforming, considerably conforming, and perhaps a slightly better lot that would make their lot conforming. Okay, that makes sense. But in this case, certainly I don't know how anybody would be able to tell whether a Lot 2 would make Lot 3 better.

**Acting Chairman Grygus:** Lot 3 and 4 would be a conforming lot.

**Attorney Mondello:** It sure would, but I don't know whether or not Lot 4 is willing to sell for a reasonable price. This other name Jacqueline, I don't know who they are.

**Board Secretary:** They are Lot 2.

**Attorney Mondello:** The applicant could say, I'm sorry, it's cost prohibitive, and just decide this application on the C-2 criteria period.

**Attorney Petreski:** It's a C-1 criteria.

**Attorney Mondello:** I don't know if it's necessarily just C-1. It's a little bit smaller.

**Member Covelli:** Engineer Petreski, you had an aerial of this area a minute ago. Would you be able to put that up again? Okay. The bottom line is, and you correct me if I'm wrong, and I'm not testifying on behalf of or against your application, but looking at the map you just had up, all the properties around you that currently have single family homes, are on lots with the exclusion of Lot 2, and then that other corner, and I don't remember what number that is, where the circle is. 2 is the one next to you it's a pie and the other one yes you're on the other someone pie. Other than those two, every other one until you get to Lot 7 is on a lot the size of this or smaller with pre-existing homes.

**Engineer Petreski:** Correct.

**Member Covelli:** I'm making a point of order. I am not testifying and not in support or against. I'm only making a point of order. That's the only point I wanted to make. I think, as counselor said, it's not for us to start assembling properties and make conforming lots.

**Member Ludwig:** When I drove past the lot, I had the same exact impression. It's in keeping with the whole neighborhood, basically,

**Member Covelli:** My biggest concern, which has been addressed through testimony, was that the height of the house didn't appear out of character for the area.

**Member Ludwig:** All the add-a-levels that have been put on those little Capes, it fits right in there also.

**Member Covelli:** I was going to say that and the testimony supports that it would not be out of character with the other homes in the area.

**Attorney Mondello:** Any other questions for the testimony by Mr. Petreski, the engineer?

At this point I do want to see if there are residents that have any questions and then we'll go back to the Board. I'm going to ask Marguerite if I can unmute you, and you can stop sharing the screen. Ms. Karner, do you have any questions of this witness?

**Ms. Karner:** I had some comments.

**Attorney Mondello:** There will be a portion of the application or the hearing where you can say I like this, I dislike this, etc. I'm simply asking if anyone has any specific questions on the testimony of Mr. Petreski, who is the engineer. So I'll take that as a "no", right.

**Ms. Karner:** Not a question at this.

**Attorney Mondello:** We're going to get back to you. I promise. I'm asking to unmute the Van Horns. Do you have any questions?

**Ms. Van Horn:** I do have a question. So have you been to see the rock on the lot that you are purchasing? We live on Lot 4.

**Attorney Mondello:** This is Kelly Van Horn, correct?

**Ms. Van Horn:** Yes. We live on Lot 4 at 31 Decker Road.

**Engineer Petreski:** Yes, I've seen the property.

**Ms. Van Horn:** No, the rock on the property without all the brush covering it currently.

**Engineer Petreski:** Yes, I've seen the rock.

**Ms. Van Horn:** Okay, so you understand that the rock is at least 5' above ground level and runs the entire width of the lot?

**Engineer Petreski:** Yes, it's shown on a topographic map of being 6' above the rest of the grade.

**Ms. Van Horn:** Right and it does run the entire width of the lot. So, I was just wondering how you plan on putting everything there without blasting like we discussed when that rock also comes under our entire driveway and goes into our foundation?

**Engineer Petreski:** So we've tried to leave the largest gap possible between your house and your driveway, and the rock. If you look at the grading plan, I'm not excavating rock adjacent to your property. All the excavation starts at least 6' away from your property line. I would not want to undermine and destabilize the rock adjacent to your driveway.

**Gentleman With Ms. Van Horn:** How much rock are you going to have to remove? There's a significant amount of rock and we couldn't remove any of it to put in our driveway.

**Acting Chairman Grygus:** Is this on testimony Ron?

**Attorney Mondello:** Well, they asked the question. I would give them a little leeway as to well, we tried to do something and we couldn't do it. And I'm sorry. We have Kelly's name. I'm assuming that is your husband?

**Ms. Van Horn:** He is my boyfriend, Christopher Lynch.

**Attorney Mondello:** Are you able to answer Mr. Lynch's questions?

**Engineer Petreski:** We will make every attempt to demolish rock without blasting. I don't know what methods they used to do any rock demolition on their property. We will make every attempt

**Mr. Lynch:** I just want to make sure if you aware of how much rock you're going to have to remove?

**Attorney Mondello:** Mr. Lynch, we are recording this and if we were to wind-up in Superior Court, the judge, would want a record so you're going to have to wait until he is done speaking until you speak.

**Mr. Lynch:** I apologize.

**Attorney Mondello:** No, no problem at all.

**Engineer Petreski:** We are aware of the amount of rock that needs to be removed.

**Attorney Mondello:** Okay, any other questions for Mr. Petreski? There'll be a period where you can comment and say you think this is a good idea and here's why. Or I think it's a very bad idea, and here's why. There is unidentified Galaxy S8 phone that I'm asking to unmute. Do you have

any questions for the engineer? Hearing none, seeing none, I will return to mute the Galaxy S8. I'm asking to unmute JaxGutsch. Do you have any questions for the engineer?

Female Voice: Um, not so much a question. I have a comment.

Attorney Mondello: We can just stop there. There'll be a portion of the hearing where you'll be able to comment and say why you like this.

Male Voice: I'm the husband, can I have a question?

Attorney Mondello: Please identify yourself.

Mr. Gutschmidt: Thomas Gutschmidt, 53 Fourth Avenue. On the plans how far away is the home from the property line of mine? I couldn't make it out on the diagram.

Engineer Petreski: You are the property to the right or to the left the home.

Mr. Gutschmidt: From the street, we are to the left, Lot 2. We are the baseball field.

Engineer Petreski: From the nearest point it's 9-1/2'.

Mr. Gutschmidt: 9-1/2' from my property line.

Engineer Petreski: Correct.

Mr. Gutschmidt: Okay, that's all I need to ask.

Attorney Mondello: I'm going to ask that the telephone call-in ending in 6260 unmute themselves and see if they have any questions.

Ms. Richards: My name is Mary Richards and I'm at 27 Decker Road, Lot 6. I only had a question about the driveway because I couldn't get on the zoom. Which side of the property is the driveway going to be on, Lot 4? Or the other house, Lot 2?

Engineer Petreski: It will be adjacent to Lot 2.

Ms. Richards: So then it actually does come out right at the Stop sign.

Engineer Petreski: The Stop sign might be there, but the Stop bar is significantly forward of it. This is if you look at the

Ms. Richards: I drive it every day and I see that lot. I must have had a variance for my house because my property is 50x150. That's at least my recollection from the survey. I guess my only question is like, how wide is it going to be including the garage?

Engineer Petreski: At its widest point the home is 31' wide.

Ms. Richards: How wide is the house?

Engineer Petreski: The house, including the garage, is 31' wide at its widest.

Ms. Richards: My concern is the blasting if that'll happen down the road. I know you're saying you don't want to, but it's something that we have to live through.

Attorney Mondello: Miss Richards, I apologize. I had to mute you. There'll be a portion of the hearing where you will be able to just give some testimony and explain why you like the application or why you don't like the application. Right now, this is just reserved for questions and questions only. Thank you for your patience. All right, back to you, Mr. Chairman. I don't know if the Board has any other questions.

**Acting Chairman Grygus:** Does anyone from the Board wish to hear or ask any questions to the applicant/the owner. All right, then if there are none, then I guess we can open it up to comments.  
**Attorney Mondello:** Absolutely. Thank you, Mr. Chairman. So at this portion, I am going to first ask that Marguerite,

**Attorney Petreski:** Ron, can I interrupt you real quick? I'm here with the Owner and he's willing to add into any Approval that they will not be doing blasting on site, so we can build that into the Resolution. If that makes the Board and the neighbors comfortable, we will be okay with acknowledging that there would be no blasting on site.

**Attorney Mondello:** Did you hear that Member Covelli?

**Member Covelli:** Yes, I heard that.

**Attorney Mondello:** Ms. Karner, would you please raise your right hand? Do you swear or affirm the testimony you're about to give be the truth, the whole truth and nothing but the truth?

**Ms. Karner:** I do.

**Attorney Mondello:** Please state your name spell your last name, and give us your address.

**Ms. Karner:** Marguerite Karner, 25 Decker Road, Haskell, New Jersey.

**Attorney Mondello:** Ms. Karner, please tell the Board what you like or dislike about this application or any other comments you may have.

**Ms. Karner:** I am not in favor of this building project, and I have some reasons why. The proposed construction of this dwelling will result in an oversized building on an undersized lot. Witness the number of variances needed. A structure like this would be so close to the neighboring house as to afford no privacy, nor even minimal space in between properties. Over the years we have seen parking become a real nightmare on Decker Road. That's in part because many of our families have at least two and possibly up to four or five vehicles. In the winter months, during odd and even parking ordinance, there is not enough space to accommodate everyone's vehicle, and additional residents only adds to the problem. Now in the event of fire, God forbid, the risk worsens considerably. Two houses standing that close together, as little as a few feet, will ignite and spread rapidly decimating two family's homes and property. Water pressure is a continuing issue, especially in the summer, and during high usage. Our water clouds up and pressure drops noticeably, all due to our municipal system not able to maintain adequate pressure for the number of people living in our area. So how will this added strain of one more structure affect this inconvenience for us. This property sits right at the juncture of a busy intersection, literally right before the Stop sign where Decker meets Fourth. In the morning, cars often line up at the Stop sign, and I'm talking about four, five six, cars going to work, which would be a risk for the resident trying to exit or enter the property. The trees on this lot have provided a buffer for us to the noise of traffic on 287. Trees benefit our air quality wherever they occur. Our neighborhood has lost many acres of trees, as new condos have been built, and town wide clearing and cutting have occurred. So my questions are, how does this project benefit those of us who are

already living here and how does this project add to our quality of life? It seems that the only benefit comes to the developer who will make a quick buck and leave us an eyesore. Thank You.

**Attorney Mondello:** Thank you, Miss Karner, we appreciate that. I'm now going to move down and ask that Ms. Van Horn and Mr. Lynch, if they care to testify. Who's going to be testifying?

**Ms. Van Horn:** I'll do it.

**Attorney Mondello:** Please raise your right hand. Do you swear or affirm the testimony you are about to give you the truth, the whole truth and nothing but the truth?

**Ms. Van Horn:** Yes, I do.

**Attorney Mondello:** You can put your hand down. Please state your name for the record, spell your last name and give us your address.

**Ms. Van Horn:** Kelly Van Horn, 31 Decker Road, Haskell, New Jersey.

I would like to agree with everything that Marguerite just said. Parking is definitely an issue on the street. As for the size of the lot, we are on roughly the same size lot next door and our house is about 500 square feet less, which is a significant difference. We are not as close to our neighbors, but we are close enough and adding another house that close, like she said, is going to minimize any privacy, remove all trees and make it very, very tight, which the street is already compact enough. It's going to be a very large house on a very small lot. That rock, I think, is going to give them a lot more trouble than they realized because it gave us a lot of trouble during our driveway extension. We had to move the driveway and make it narrow where to park because we could not get through any of that rock to extend our driveway. So I feel like that's going to be more of a problem. I understand they said they're not going to want to blast, but I think that's going to come back and be a problem because it runs the entire width of that yard, and comes on to both neighboring properties.

**Attorney Mondello:** Thank You. All right, I'm asking JaxGutsch. (Jacqueline Gutschmidt) Yes, who's going to be testifying?

**Ms. Gutschmidt:** I'll testify.

**Attorney Mondello:** Would you please raise your right hand? Do you swear or affirm the testimony you are about to give be the truth, the whole truth and nothing but the truth?

**Ms. Gutschmidt:** Yes.

**Attorney Mondello:** Please state your name, spell your last name, and give us your address.

**Ms. Gutschmidt:** My name is Jacqueline Gutschmidt, 53 Fourth Avenue, Haskell, New Jersey.

**Attorney Mondello:** What would you like to say?

**Ms. Gutschmidt:** I agree with Kelly and Marguerite's testimony. I also am skeptical of this house being built here. I respect my privacy. I have lived here for 17 years. The house on the other side, Frank Nemeth, though he passed away, he had said to me and my husband, many years ago, that we never had to worry about this empty lot next to our home, because he owned it, and he said no one can ever build on it. I do not want any kind of blasting. I've had property damage to my home when the townhomes were being built. My husband and I took care of the problems

ourselves. I mean, we had our house inspected, but nobody ever came back to inspect our home to see if there was any kind of damage to our home, which we had a lot of cracking because of all the rock back there that was blasted. So I'm opposed to this house being built. Thank You.

**Attorney Mondello:** Thank you very much. There is a last time Galaxy S8+, I've asked to unmute. Galaxy S8 you don't have a name. Did you want to say anything?

**Ms. Uhlendorf:** I am Susan Uhlendorf.

**Attorney Mondello:** Okay, Susan, would you please raise your right hand? Do you swear or affirm the testimony you are about to give be the truth, the whole truth and nothing but the truth?

**Ms. Uhlendorf:** Yes, I do.

**Attorney Mondello:** Please state your name, spell your last name, and give us your address.

**Ms. Uhlendorf:** Susan Uhlendorf, 26 Decker Road, Haskell New Jersey.

**Attorney Mondello:** What would you like to tell the board?

**Ms. Uhlendorf:** Well, basically, I think Marguerite said it all. I live across the street from her and I mean, one of the things I was worried about was the rock because I used to be a good friend to the people that owned the house next door, #4, and I know how bad that rock is and the problems that they ran into with it. So, basically, I don't really think it's a good idea.

**Attorney Mondello:** All right, thank you very much. And then finally, again, I'm sorry, the telephone ending in 6260. I've asked to unmute. There we go. Thank you for your patience. If you would just please raise your right hand. Do you swear affirm the testimony your about to give me the truth, the whole truth and nothing but the truth?

**Ms. Richards:** Yes, I do.

**Attorney Mondello:** Please state your name, spell your last name and give us your address.

**Ms. Richards:** Mary Richards, 27 Decker Road, Haskell, New Jersey.

**Attorney Mondello:** Ms. Richards what would you like to tell the Board?

**Ms. Richards:** Well, I agree with everything just about everybody said and my only comment of my biggest concerns is the parking and the water. I'm not sure why he can't check that water before this decision is made with the rocks, maybe they can't do it. Like you said our sewer system can't take the overload and this is a marshy area. A lot of houses around here get water in them. When once you put the storm drains in, it was a lot better. Once the mountain was gone, it was a lot better. I'm just afraid that if the water starts running into people's property from it, there's going to be a problem and the parking in the winter. I don't have a problem since I have a parking. If somebody comes to my house though, there's nowhere to park. In front of that house, if you park there, you're too close to the Stop sign because it says park so many feet back from the Stop sign and now you're in somebody else's driveway. So those are concerns that may come up with everybody living by each other, and the privacy also is a factor. I realize the lot looks like crap. But those are concerns of mine, mostly, the water and the blasting because we've been told other times where things weren't going to be done, and then later they were done. You know, I

hate to be a naysayer, but I just feel I could see a lot of problems down the road. Thank you for listening to me.

**Attorney Mondello:** Thank you Miss Richards. Alright, so at this juncture, I would ask Mr. Petreski, the Engineer, to stop sharing his screen and perhaps his brother, the Attorney, would like to sum up.

**Member Covelli:** Before that sum up, I have one additional question counsel. Engineer Petreski how many parking stalls will be included on the property, on-site parking?

**Engineer Petreski:** There's currently one (1) inside the garage. If you look at the driveway which is 15' wide and approximately 36' long, you could theoretically park four (4) cars in the driveway

**Member Covelli:** A little optimistic but doable, depending on the size of the car.

**Engineer Petreski:** Yes.

**Member Covelli:** You're not fitting for pickup trucks there.

**Engineer Petreski:** I drive small cars.

**Member Covelli:** Thank you. That was the only other question I had.

**Attorney Mondello:** Attorney Petreski, you want to sum up?

**Attorney Petreski:** Yes, just briefly. We're before the Board today on four (4) variance requests; two of them are side setbacks, the lot area and the lot width. Two of them were pre-existing, so the only additional variances are the side setbacks. Again, we had testimony that showed that it's conforming with the nature of the neighborhood. It is a hardship because following the zoning ordinance basically you can fit a 15' wide house on that property, which makes it close to usable, aesthetically unpleasing, and it wouldn't conform to the neighborhood. This is a residential neighborhood. The houses, all but two of the lots are 50 by 150, which are the same size lot. This lot, although it hasn't been developed, but conform with the neighborhood because it is the same size as the other lots in the neighborhood. It's not going to be detrimental to the zoning plan because it is in the residential zone. I believe we have enough testimony that shows that it's not going to be detrimental to the public good. We do have parking on site, and we're going to work well to get the water retention on site. Again, we would specify in the Resolution that we will not be doing any blasting. I believe we meet the criteria for both the C-1 and the C-2 Variances. I respectfully bring it back to the Board.

**Member Levine:** The final use of this house is one of you going to live in it, or are you building it to sell?

**Attorney Petreski:** It will be sold.

**Attorney Mondello:** Back to you, Mr. Chairman.

**Acting Chairman Grygus:** Any other Members of the Board have any questions?

All right, do we have a Motion?

**Member Covelli:** Mr. Chairman, I'd like to make a Motion to Approve this Application.

**Member Pasznik:** I'll second.

**Member Covelli:** Wait, I have to say two variances.

**Member Pasznik:** I'm sorry.

**Member Covelli:** With a variance required on the minimum lot area where 10,000 is required in the zone and 7,488 square feet is provided thus needing a variance of 2,312 feet. Where the minimum lot width is 80 feet and 50 feet is existing, thereby requiring a 30 foot variance. Where a minimum side yard of 15 feet is provided in the zone and 9.5 feet is provided, thus requiring a variance of 5.5 feet, and a total side yard of 35 feet is required and 19 feet is proposed, thereby requiring a 16 foot variance. I would also include in the Motion that the Applicant include that there will be no blasting done on the property. I would also ask that we include language and I'll leave it to the Engineer and the Attorney to include that with regard to the stormwater management, the Applicant has proposed two seepage pits and that it be established that those seepage pits can be installed before there's any construction. Based on the physical features of the property, those seepage pits are very necessary as I hear the concerns raised by the neighbors, so that must be established.

**Attorney Mondello:** And Frank, if I could add, the Applicant has agreed to move the air conditioners to the rear yard.

**Member Covelli:** Very good counselor and that the air conditioning units be included in the rear yard of the home.

**Engineer Nash:** Can I just change the language Frank? You called it a seepage pit. Seepage pit is hopeful that it the contents would seep into the soil. I think, even if they couldn't provide the necessary seepage, they should have a detention tank of sorts. I think I need to review it because we would still want to hold the water on site and maybe slowly discharge it. Even if it goes to the municipal system, it's better than having nothing there to go into the neighboring properties. So just modify the language of a seepage pit. Seepage pit is something specific.

**Member Covelli:** I would revise my language to say that a detention mitigation plan be submitted for your approval (Board's Engineer) prior to the actual construction.

**Engineer Nash:** Or you can just call it stormwater management.

**Member Covelli:** There you have it.

**Acting Chairman Grygus:** Any more discussions?

**Member Covelli:** That's the most Motion as I propose it.

**Member Ludwig:** I'll second that.

**MOTION TO APPROVE APPLICATION:** made by Member Covelli, seconded by Member Ludwig. Voting yes were Acting Chairman Grygus, Members Covelli, Pasznik and Ludwig.

Voting no were Members Levine and Aumenta.

4 – Yes

2 – No

Motion Carried.

Acting Chairman Grygus: Anyone, I guess you're welcome to still stay on. The Board has other business to conduct. You're welcome to stay on if you choose to or you can exit.

**PUBLIC DISCUSSION:** Hearing none, seeing none.

**RESOLUTIONS:**

**ZBA2020-05 – Sahanas, Charles, 5 Humbert Place, Wanaque**

Applicant came before the Board to construct a one story family room for his mother-in-law. So there are no unusual or different conditions. The typical conditions were placed in the Resolution and I have since submitted it to the Board Members. I'll entertain any questions or comments the Board may have at this point. Hearing none seeing none, I'd ask for a Motion followed by a second.

Member Covelli: I actually have a comment to say. It was a well drafted and well written Resolution reflective of the testimony and the outcome of the Application.

Attorney Mondello: Thank you very much. I rarely get compliments, so that one I will savor for quite some time. Thank You. Any other Board Members? All right, I'll ask for a Motion followed by a second.

**MOTION TO MEMORALIZE THIS RESOLUTION AS PREPARED BY BOARD ATTORNEY:** made by Member Covelli, seconded by Member Aumenta. Voting yes were Acting Chairman Grygus, Members Covelli, Ludwig and Aumenta. **Motion Carried.**

**ZBA2020-06 – Chabad Jewish Center, 815 Ringwood Avenue, Haskell – Partial Approval**

Yes, this is a bifurcated with respect to the ground-mounted sign that's becoming coming before the Board at a future date. So this essentially had to do with the building mounted sign, and then of course the Menorah. With respect to any conditions, the Applicant agrees to return to the Board with a more detailed plan as to the third sign. Other than that, there are no other unusual conditions, just the usual conditions. I'll entertain any questions, comments or changes the Board Members may have at this point in time. Hearing none Seeing none, I'll ask for a Motion followed by a second.

**MOTION TO MEMORALIZE THIS RESOLUTION AS PREPARED BY BOARD ATTORNEY:** made by Member Covelli, seconded by Member Aumenta. Voting yes were Acting Chairman Grygus, Members Covelli, Ludwig and Aumenta. **Motion Carried.**

**CORRESPONDENCE:** None – No new applications

**VOUCHERS:** submitted by Boswell Engineering for Chabad Jewish Center Application for \$318; Sahanas Application for \$53; Catherine Civil Trust Application for \$424; and Macedon Builders Application for \$424.

**MOTION TO APPROVE VOUCHERS:** made by Member Ludwig, seconded by Member Covelli. Voting yes were Acting Chairman Grygus, Members Covelli, Pasznik, Ludwig, Levine and Aumenta.

**VOUCHERS:** submitted by Ronald Mondello, Esq. for Sahanas Resolution for \$525; Chabad Jewish Center Resolution for \$975; and for attendance at the September 1, 2020 Meeting for \$400.

**MOTION TO APPROVE VOUCHERS:** ; made by Member Ludwig, seconded by Member Pasznik. Voting yes were Vice Chairman Grygus, Members Covelli, Pasznik, Ludwig, Levine and Aumenta.

**MOTION TO APPROVE JULY 1, 2020 MINUTES:** made by Member Ludwig, seconded by Member Aumenta. Voting yes were Acting Chairman Grygus, Members Covelli, Ludwig and Aumenta. Members Pasznik and Ludwig abstained.

**ENGINEER'S REPORT:** Nothing

Acting Chairman Grygus: Chris, I have a question for you. What is a windshield view?

Engineer Nash: I drove by it and get out of the car.

Acting Chairman Grygus: Was it raining or something?

Engineer Nash: I had nice shoes on. Really, I use my discretion on that kind of thing. Trying to keep the cost down, you know?

**DISCUSSION:** None

**MOTION TO ADJOURN AT 9:35 P.M.:** Motion to adjourn meeting made by Member Ludwig. Motion carried by a voice vote.

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Jennifer A. Fiorito, Planning Board Secretary