

**TOWNSHIP OF MAHWAH
BOARD OF ADJUSTMENT**

MINUTES

APRIL 15, 2020

The combined public/work session meeting of the Board of Adjustment held via Remote Zoom Conference beginning at 7:30 pm was called to order by Mr. Rabolli, with the reading of the opening statement followed by the flag salute and a reminder that Board of Adjustment meetings are being videotaped and broadcast live.

These minutes are a synopsis of the meeting. A verbatim audio tape recording is on file with the Board Secretary at the Board of Adjustment Office, 475 Corporate Drive, Mahwah, NJ. Copies of the tapes may be purchased for a fee.

PARTICIPANTS: Mr. Calijone Mr. Rabolli
 Mr. Cannava Mr. Straffin
 Mr. DeSilva Mr. Whiteman
 Mr. Jackson

ABSENT: Mr. Kearney Mr. Montroy

ATTORNEY: Mr. Ben R. Cascio, Esq.

PROFESSIONALS: Mr. Michael J. Kelly, P.E., Township Engineer
 Ms. Geraldine Entrup, Administrative Officer

I. APPROVAL OF BILLS:

3/4/20 & 3/18/20	\$500.00	Ben Cascio, Esq. – Attendance Two meetings
3/13/20	\$165.00	2019 Annual Report

A motion to approve the bills was made by Mr. DeSilva, seconded by Mr. Whiteman. A roll call vote revealed 7 aye votes by Mr. Calijone, Mr. Cannava, Mr. DeSilva, Mr. Jackson, Mr. Rabolli, Mr. Straffin, and Mr. Whiteman.

II. APPROVAL OF MINUTES:

A. MINUTES OF FEBRUARY 19, 2020

A motion to approve was made by Mr. Straffin, seconded by Mr. Calijone. All eligible members voted in favor.

III. MEMORIALIZING RESOLUTIONS:

**1. DOCKET #1474-19 – MICHAEL K. BARSELLA
1 BABBIT BRIDGE ROAD, BLOCK 164.01, LOT 48**

Resolution of Approval for a “C” Variance to permit installation of fencing in three front yards.

The Resolution prepared by Mr. Cascio was provided to the Members of the Board prior to the meeting. Mr. Calijone commented that Mr. Cannava’s name was spelled incorrectly as Cannaba. A correction will be made.

A motion to approve was made by Mr. Cannava, seconded by Mr. Jackson. A roll call vote revealed 4 aye votes by Mr. Calijone, Mr. Cannava, Mr. Jackson, and Mr. Rabolli.

**2. DOCKET #1476-20 – STATE LINE SG HOLDINGS, LLC
200 PERFORMANCE DRIVE, BLOCK 26, LOT 1.02**

Resolution of Approval of a Use Variance to utilize a portion of the property for an automotive dealer office with outdoor car storage.

The Resolution prepared by Mr. Cascio was provided to the Members of the Board prior to the meeting.

A motion to approve was made by Mr. Calijone, seconded by Mr. Rabolli. A roll call vote revealed 4 aye votes by Mr. Calijone, Mr. Cannava, Mr. Jackson, and Mr. Rabolli.

3. BOARD OF ADJUSTMENT 2019 ANNUAL REPORT

The Resolution prepared by Mr. Cascio was provided to the Members of the Board prior to the meeting.

A motion to approve was made by Mr. Jackson, seconded by Mr. Cannava. A roll call vote revealed 4 aye votes by Mr. Calijone, Mr. Cannava, Mr. Jackson, and Mr. Rabolli.

IV. OPEN TO THE PUBLIC:

Mr. Rabolli opened the meeting to the Public for general questions or statements. No members of the Public participated.

V. PUBLIC HEARING(S):

**1. DOCKET #1463-19A – CF MARMOSSET TEB, LLC by APML1, LLC
555 MACARTHUR BLVD, BLOCK 135, LOT 61.02**

Carried from March 18, 2020, Amended Site Plan Application to make modifications to the Site Plan to increase the size of van parking spaces, reduce the number of van loading positions and to provide a van queuing area.

Mr. Cascio commented that Mr. Montroy, who was not present at this meeting, had recused himself from the original vote on this Docket. Mr. DeSilva, being affiliated with Ramapo College, stated that there was no conflict with this Docket; as his only contact with the College is with the Foundation.

Mr. Rabolli summarized the original Application and gave examples of the proposed process. He stated that the facility has begun operation, however, the Applicant now has better designs with regard to parking and has submitted an Amended Site Plan Application which is now being handled by way of a Field Change. The original Amended Site Plan Application (Docket #1463-19A) is being withdrawn without prejudice. A Resolution will be prepared.

Mr. Kelly stated that new Site Plans have been provided. The proposed parking lot is to be reconfigured; there will be more of a queuing line, vehicles will be queued-up and loaded overnight and be ready to go in the morning. It will be a more organized way to queue the next group of vehicles coming in. The Applicant provided a letter indicating that it would not increase the volume or the amount of traffic leaving the site. Mr. Kelly commented that in light of current conditions it could be handled as a Field Change, and requested that the Resolution reflect that the Board reserves the right to have the Applicant come in and provide testimony at a future time if deemed necessary.

Mr. Howard Geneslaw of Gibbons, P.C., One Gateway Center, Suite 300, Newark, NJ on behalf of APML1, LLC the Development Manager for CF Marmosset TEB, LLC stated that it is just a matter of slightly larger vehicles resulting in a need for fewer spaces and fewer vehicles per wave so it would be a reduction in overall impact.

Mr. Geneslaw made two additional comments;

1) In response to the question if Mr. Whiteman had participated on the vote for this Docket when it first came before the Board; he did not.

2) In reference to Mr. Rabolli's comment that the facility had begun operations; the site is not yet in operation.

By acclamation, the Board Members voted to move into Work Session.

Note: Work Session for this Docket occurred immediately following Public Hearing.

**2. DOCKET #1473-19 – MAHWAH SALES & SERVICE, INC.
55 FRANKLIN TURNPIKE, BLOCK 70, LOT 3**

Carried from March 4, 2020, Application for “C” Variances to make modifications to the building, façade and signage, as well as Amended Site Plan approval for existing parking and the use thereof. Mr. Rabolli announced that the Docket is being carried to the May 20, 2020 Board of Adjustment Meeting. No further notice is required.

IV. WORK SESSION

**1. DOCKET #1463-19A – CF MARMOSET TEB, LLC by APML1, LLC
555 MACARTHUR BLVD, BLOCK 135, LOT 61.02**

Carried from March 18, 2020, Amended Site Plan Application to make modifications to the Site Plan to increase the size of van parking spaces, reduce the number of van loading positions and to provide a van queuing area.

Mr. Rabolli summarized stating that as noted earlier, the facility is not yet completed, however, an earlier Application was approved by the Board. The current Application is to make some changes to the design of the parking lot. The matter has been reviewed by the Township Engineer; he is comfortable with the approval, it is justified as a Field Change. The Resolution will include the Field Change. If a problem should occur, the Board reserves the right to have the Applicant called back in to adjust the situation.

A motion to approve was moved by Mr. DeSilva, seconded by Mr. Jackson. A roll call vote revealed 5 aye votes by Mr. Cannava, Mr. DeSilva, Mr. Jackson, Mr. Rabolli, and Mr. Staffin.

Mr. Cascio will prepare a Resolution to include the Amended Site Plan.

By acclamation, the Board Members voted to move out of Work Session and return to the Public Hearing portion of the meeting.

Ms. Entrup thanked everyone for participating and informed the Members of the Board that there is an Application scheduled for May 6, 2020 which will also be done via Remote Zoom Conference. Ms. Entrup commented that personal e-mails are not being used to notify Board Members and participants of meetings due to correspondence being subject to OPRA. Board Members are being relied on to check their Township e-mails and respond.

A motion to Adjourn was made by Mr. Staffin, seconded by Mr. Jackson. All voted in favor. The meeting adjourned at 7:55 p.m.

Township of Mahwah
Board of Adjustment Meeting Minutes
April 15, 2020

These minutes were prepared by Sylvia Gerou, Zoning Board Recording Secretary. The minutes were provided to the Board of Adjustment on May 1, 2020 for approval at the Regular Meeting to be held on May 6, 2020.