

**TOWNSHIP OF MAHWAH
BOARD OF ADJUSTMENT**

MINUTES

JUNE 17, 2020

The combined public/work session meeting of the Board of Adjustment held via Remote Zoom Conference beginning at 7:34 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 in at 7:45 p.m. Mr. Montroy
Mr. Cannava Mr. Rabolli
Mr. Jackson Mr. Straffin
Mr. Kearney Mr. Whiteman

ABSENT: Mr. DeSilva

ATTORNEY: Mr. Ben R. Cascio, Esq.

PROFESSIONALS: Mr. Michael J. Kelly, PE, Boswell Engineering
Ms. Debbie Lawlor, FAICPP, PP, Maser Consulting

I. APPROVAL OF BILLS:

Ben R. Cascio

April 1, 2020 & April 15, 2020	\$500.00	Meeting Attendance
April 2020	\$330.00	General/Miscellaneous
April 2020	\$453.75	Sean Royle Litigation
May 6, 2020 & May 20, 2020	\$500.00	Meeting Attendance
May 2020	\$412.50	Sean Royle Litigation
June 8, 2020	\$ 82.50	General/Miscellaneous

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

II. APPROVAL OF MINUTES:

1. MINUTES OF MARCH 4, 2020

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

2. MINUTES OF MAY 6, 2020

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

III. MEMORIALIZING RESOLUTIONS:

**1. DOCKET #1475-20 – ANTHONY ALTADONNA
222 MAHWAH ROAD, BLOCK 99, LOTS 11 & 12**

Resolution of Approval for “C” Variances for exceeding maximum lot coverage to construct a 10’ x 16’ accessory structure.

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. Kearney. A roll call vote revealed 6 aye votes by Mr. Cannava, Mr. Jackson, Mr. Kearney, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

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 #1472-19 – MAHWAH BUSINESS PARK
65 RAMAPO VALLEY ROAD, BLOCK 41, LOTS 1, 2, 9 & 10**

Application for a “D” Conditional Use Variance proposing a 400 parking space lot for the outdoor storage of vehicles associated with Ramsey Auto Group, to be carried to July 15, 2020. No further notice is required.

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

Carried from May 6, 2020, Application for “C” Variances to make modifications to the building, façade and signage, as well as amended site plan approval for a Use Variance for a previous expansion of an existing parking area and the use thereof.

Mr. Bruce Whitaker, Esq. of McDonnell & Whitaker, LLC, 245 East Main Street, Ramsey, NJ 07664 stated that the Applicant is seeking approval for a change in signage due to rebranding required by the Ford Company - a new style of building and logo by brand to distinguish themselves from other brands. Being proposed are a 31 square foot oval Logo sign to be on the Ford Tower, a 21 square foot Logo sign on the Tower, two 26 inch high Service signs and a 39 inch sign that will say MAHWAH.

Mr. Whitaker continued, listing the Variances being requested:

1. More signs than the code permits; proposing 5 wall signs, currently have 4 wall signs. In the B12 Zone, one sign is permitted. This type of sign is very prevalent and has been there for many years.
2. Area of wall sign – 2 square feet per wall width of 25 square feet is permitted; proposing 37.01 square feet where 25 square feet is the maximum permitted.
3. MAHWAH sign 39 inch letter height and initial capital letter height of 26 inches for the Service sign where 24 inches is permitted.
4. Logo height requested is 50 inches where 48 inches is permitted.

Mr. Whitaker commented that witnesses would address the question of a Variance being needed as it pertains to a Use Variance.

Responding to Ms. Lawlor’s question regarding the amount of parking, Mr. Whitaker stated that it is car storage, not parking, with the same amount of lot coverage that was approved in 1997. The back area has been utilized for car storage from the beginning.

The B12 Zone has a series of uses, but buying or selling vehicles is not permitted. Attached to the Application are the prior Resolutions for Ford and KIA. Zoning was approved for the building expansion for a non-conforming use. The issue at this meeting is signage which is a “C” Variance.

Note: At this point in the meeting Chairman, Mr. Rabolli experienced technical difficulty with access and Mr. Kearney took over as Host, deferring any questions to Mr. Whiteman, Co-Chairman, and the Members of the Board.

Mr. Whitaker called his first witness, **Mr. Christopher Ryan Donnelly**. Mr. Donnelly was sworn in by Mr. Cascio, and stated that he is part of the Oberle family that has owned the Mahwah Ford Dealership since 1962, had worked there part time in 2005 and started full time in 2009 after college. Questioned by Mr. Whitaker, Mr. Donnelly

confirmed that he has knowledge of the day-to-day operations and testified that the property remains the same today with the rear of the property being used for car storage of deliveries or returns; no members of the public visit that area. Mr. Donnelly further stated that the area consists of gravel and partial macadam, where excess inventory is stored. No modifications are proposed to the property. The Building permit was for the modifications to the building. The building façade has been changed based on the building permits granted. The rebranding is a result of the requirements for a signage package from Ford Motor Company.

Mr. Jackson questioned why the changes were mandated by Ford rather than designed to conform to the Township's Sign Ordinance. Mr. Donnelly commented that a third party vendor set up parameters for all of their buildings based on the scope of the building. Mr. Whitaker added that the Town of Ramsey needed variance relief for signage also, based on the size and number of signs.

Further discussion took place regarding outcome in the event the variance is not secured, Ford's response, and the possibility that the Dealership would then be responsible for the cost of custom signs. Mr. Connelly commented that they would have to go back to Ford. Mr. Whitaker added that Ford is expecting a Dealer to go to a Zoning Board for replacement of signs that may vary in size and style. Mr. Kearney requested a clarification of the proposed end state - a clarification on the overall site for all of the signage, what is being removed and what is being replaced; are any existing signs remaining in addition to the five (5) on this application.

It was confirmed that the proposal is for four (4) replacement, and one (1) new sign. Mr. Kelly requested that the Applicant provide testimony regarding the provided spreadsheet detailing the placement of the signs. Mr. Whitaker stated that his third witness would explain the signs in detail.

There were no further questions for Mr. Donnelly.

Mr. Whitaker called his second witness; **Mr. Robert Weissman of Weissman Engineering, 686 Godwin Avenue, Midland Park, NJ** was sworn in by Mr. Cascio, gave his credentials and was accepted as an expert in Engineering. Mr. Weissman also confirmed that there were no modifications to the building proposed; signage only. No increase in impervious areas. Mr. Weissman presented **Exhibit A1 – Signage Plan**. The 79.3% lot coverage was shown on screen and described by Mr. Weissman. The Body Shop sign is being replaced by a Service sign. Mr. Whitaker commented that the only sign facing the street (Franklin Turnpike) was the MAHWAH FORD sign. All others are internal directional signs.

Mr. Whitaker commented on the number of cars stored, how the plan has evolved, and stated that the site has not changed. The Plan dated January 8, 1997 shows the lot coverage is the same, with the area being covered with grass at the time. Mr. Kelly recommended the memorializing of parking inventory.

There were no further questions for Mr. Weissman.

Mr. Whitaker called his third witness; **Mr. Martin Yarlborough, Project Manager for AGI, National Sign Vendor for Ford**, was sworn in by Mr. Cascio and stated that he oversees 601 sites in the US & Canada. Mr. Yarlborough stated that Ford has different types of signage for different facades and different buildings. Each site has a design package that meets what is proportionately appropriate for the size of the building. The chart created attached to a site plan shows location of the sign and page 3 has all signs proposed. A detailed conversation took place about the signs on the spreadsheet. Mr. Yarlborough explained the proposals – locations, proportionately located. 26 inch channel letters are being used for the Service sign, and the letters on the building are 36 square feet. The point of number of letters being one sign was discussed, i.e., S e r v i c e is one sign, not seven signs; examples were given as CVS, CLEANERS, etc.

The size of the letters is based on the wall size proportional from an architectural standpoint. The Body Shop sign will be gone – moving Service on the South Side – Service being replaced with the same size as the other set, to go over the roll-up door. The sign is obstructed from view from Franklin Turnpike, is not an advertisement but directional, also because of tight navigation. The 26 inch MAHWAH sign is being removed and replaced with a 39 inch illuminated sign, which is 31% of the height of the facade, shifted to the right side of the showroom.

Further discussion took place regarding the size of the sign on the building being for design and the distinction between the traffic sign and building sign not being proportionate. Mr. Kelly commented that the total on the Westside, facing Franklin Turnpike conforms. The Variance is not for the front.

Mr. Yarlborough continued that sign #3 is the 31 square foot oval wall flat sign replacing the 10 foot wall oval. The space is limited; with the new design there is more room, utilizing standard size for space and identification. Sign #1 is a 21 square foot oval on 24 feet and 29 feet entry Towers in the new area.

There were no further questions for Mr. Yarlborough.

In summary, Mr. Whitaker concluded that he does not believe a Use Variance is required. There has been no expansion since inception on the site. The 1997 Resolution included the overall site being used. Aesthetics are part and parcel with signage. The building sign meets a good architectural standard. The Service signs provide a safe element that meets Public expectation. There was no proposal to change, alter or remove the existing pylon sign.

Ms. Lawlor commented that there appears to be more than 100 additional parking spaces, prior approval was for 206. Ms. Lawlor recommended that the Board memorialize the extra parking, not just impervious, actual parking spaces including inventory and storage.

If the use changes, the parking spaces are there. This is an opportunity to flag and document those spaces if the Board wants to recognize them. Mr. Kearney added that Mr. Weissman's plan was prior approval. The spaces become more dense by adding rows. Mr. Cascio stated that the prior approval did not confirm the number of parking spaces or request a parking variance. Mr. Whitaker stated that he does not disagree with Ms. Lawlor and that it is appropriate to document the number of spaces.

A motion to go into Work Session was made by Mr. Montroy, seconded by Mr. Jackson. All voted in favor.

VI. WORK SESSION

Mr. Kearney summarized and stated that the positive criteria has been met, there is no negative criteria and the proposal is consistent with past years. The signage was dictated by the manufacturer. The Board does not have to accept it, but it is consistent and appropriate for what is being requested. The signs will be bigger and brighter; per Mr. Kelly it is expected that they will meet lighting standards. On the advice of the Planner, Ms. Lawlor, the 374 parking spaces will be memorialized.

A motion to approve was made by Mr. Whiteman, seconded by Mr. Montroy. A roll call vote revealed 8 eye votes by Mr. Calijone, Mr. Cannava, Mr. Jackson, Mr. Kearney, Mr. Montroy, Mr. Rabolli, Mr. Straffin, and Mr. Whiteman.

A motion to move out of Work Session and Adjourn was made by Mr. Whiteman, seconded by Mr. Montroy. All voted in favor. The meeting adjourned at 9:34 p.m.

These minutes were prepared by Sylvia Gerou, Zoning Board Recording Secretary. The minutes were provided to the Board of Adjustment on July 31, 2020 for approval at the Regular Meeting to be held on August 19, 2020.