

**TOWNSHIP OF MAHWAH
BOARD OF ADJUSTMENT**

MINUTES

AUGUST 19, 2020

The combined public/work session meeting of the Board of Adjustment held via Remote Zoom Conference beginning at 7:33 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. Both adequate and electronic notice of the meeting have been provided, specifying the time, place and manner in which such notice was provided.

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. Montroy
Mr. Cannava	Mr. Rabolli
Mr. DeSilva	Mr. Straffin
Mr. Jackson	Mr. Whiteman
Mr. Kearney	

ATTORNEY:

Mr. Ben R. Cascio, Esq.

PROFESSIONALS:

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

I. OATH OF OFFICE

REAPPOINTMENT:

1. Richard DeSilva, Class IV January 1, 2020 – December 31, 2023
Administered By Mr. Cascio

II. APPROVAL OF BILLS:

June 3, 2020 & June 17, 2020	\$500.00	Cascio – Meeting Attendance
May 8, 2020	\$ 82.50	Cascio - General/Miscellaneous
June 15, 2020	\$165.00	Cascio - Sean Royle Litigation
July 1, 2020 & July 15, 2020	\$500.00	Cascio – Meeting Attendance
June 17, 2020	\$200.00	Maser - Meeting Attendance

A motion to approve the bills was made by Mr. Whiteman, seconded by Mr. Kearney. A roll call vote revealed 9 aye votes by Mr. Calijone, Mr. Cannava, Mr. DeSilva, Mr. Jackson, Mr. Kearney, Mr. Montroy, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

III. APPROVAL OF MINUTES:

1. MINUTES OF JUNE 17, 2020

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

IV. MEMORIALIZING RESOLUTIONS:

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

Resolution of Approval 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.

The Resolution prepared by Mr. Cascio was provided to the Members of the Board prior to the meeting. A typo on page 6 will be corrected.

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

V. OPEN TO THE PUBLIC:

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

VI. 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, carried from August 5, 2020.

Mr. Cascio stated that the Notice and Certification of Mailing and Publication were in order.

Mr. DeSilva recused himself from voting on this Docket.

Mr. Andrew Kohut, Esq., of Wells, Jaworski & Liebman, LLP, 12 Route 17 North, Paramus, NJ, speaking on behalf of the Applicant, stated that the main part of the proposal was for the storage of 400 vehicles associated with Ramsey Auto Group. Mr. Kohut requested that the record reflect the conditions of the Application; that there would be no maintenance, repairs, prep, sales, customers or delivery trucks accessing the parking lot at the site. The cars will be dropped off at the park and driven to the lot. In response to Mr. Kearney's inquiry; there will be no auto auctions at the site.

Mr. Rabolli gave opportunity for neighboring homeowners to express their concerns.

Mr. Leonard Yim and Ms. Jean Bibbo, neighboring the property at 91 North Ramapo Avenue expressed their concerns. Mr. Yim stated that his concern was two fold; first, truck traffic on Route 202 – was a traffic study done? Second, what will happen with the huge amount of asbestos contamination that is going to be disturbed? Ms. Bibbo inquired about the delivery process of the vehicles. Ms. Bibbo also asked if DEP Permits will be applied for, for the wetlands that are on the property.

Mrs. Merideth Magner, neighboring the property at 62 North Railroad stated her concerns with the weight of 400 cars sitting on the capped landfill that was supposed to remain undisturbed and the closeness to the water supply. She also inquired about grading which would also disturb the cap.

Messrs. Kearny and Cascio briefly discussed the past denial of a parking lot application due to the location of the high tension power lines and the denial for a subdivision approval in the 1980's. Ms. Entrup stated that the current denial from the Fire Prevention Official was due to the location of the high tension wires.

Mr. Kohut commented that Building #59 would be demolished and 65 additional parking spaces would be added. Three variances are being requested; 1) A Conditional Use Variance, Section 24-6.8 items 1-3; outdoor storage is a conditional use, with one condition being that you cannot abut residential properties or streets. This portion of the property does abut residential properties from the South and West with no negative impact. 2) A Technical Variance for the number of parking spaces. The existing parking requirement is for 2,345 parking spaces; 407 are presently there. If the application is approved by the Board there will be 472 parking spaces where 2,251 are required, resulting in more spaces where less spaces are required. This application does not impact the number of parking spaces given that it is outdoor storage; no significant number of

employees on site. 3) Parking stall size where 9' x 20' is required, 9' x 18' is proposed. Mr. Kohut stated that Waivers were being requested for topography and slope.

Mr. Kohut called his first witness; **Mr. Frank Minervini, Ramsey Auto Group, 585 Route 17 South, Ramsey, NJ.** Mr. Minervini gave his credentials, responsibilities and experience, was sworn in by Mr. Rabolli and reiterated that the application was for a 400 space lot, solely for storage of automobile inventory; no repairs, maintenance, body work, auctions or sales. The reason for the request is new models; the Dealership needs more storage. This location is close to the Dealership and service locations. There will be an average of 3-4 delivery trucks per day of 8-10 cars each. The number of deliveries varies. When a car is sold, a car jockey picks up the car and returns it to the Dealership. Pickups could be between 5-6 times per day.

Discussion took place regarding the number of vehicles coming in and leaving the lot. Mr. Kohut stated approximately 5 trailers coming in per day, 8 vehicles going out per day. It is not a very heavily traffic intense use. There are one or two employees to check the cars in and park them and pick up when there is an order; they do not remain on site.

Security is a 6 foot lockable fence. There is no lighting as transportation is done during the day 8:00 a.m. – 5:00 p.m. There are no night deliveries. The last in/out by a car jockey is also between 8:00 a.m. – 5:00 p.m. with delivery the next day.

Mr. Rabolli opened the meeting for questions from Members of the Board and then the Public. Responses were given by Mr. Minervini of Ramsey Auto Group. Questions included fueled vehicles, environmental impact, previous experience with this type of site, security lighting, number of vehicles being moved from the top of the landfill for each pick up, the exclusive right to use the lot, type of vehicles being Ramsey Chrysler, Jeep, Dodge, Rambler, Subaru, Volvo, Infinity, Nissan, Mazda, Fiat and Alfa Romeo – no trucks, hours of operation; no deliveries on the weekends, only pick up on Saturdays.

Mr. Yim requested clarification of where the trucks are going. The car carrier trucks will be coming from Ramapo Valley Road, past Island Road into the Business Park. There will be no used or wholesale cars; only new cars. The Route of Travel from boat and/or rail from Port of Newark, Secaucus is Route 17 North to Ramapo Valley Road to the Business Park.

There were no further questions for this witness.

Mr. Kohut called his next witness; **Mr. James Ward, Boehman Consulting, 303 W. Main Street, Freehold, NJ.** Mr. Ward gave his background and experience, stated that his license was in good standing, and was sworn in and recognized in the Field of Civil Engineering by Mr. Rabolli. Questioned by Mr. Kohut, Mr. Ward referenced the Site

Plan displayed on the screen with a last revision date of October 2, 2019. Six (6) sheets of photos were marked as **Exhibit A1**. Mr. Ward stated that he had prepared the Plans, and visited the site. Mr. Ward described the property as 39 acres of a mixture of office buildings and a manufacturing warehouse in the Industrial Park Zone IP120, bordered by general business B12 Zone to the East, neighborhood business B10 to the North, having residential areas to the South and West. The Application is for proposed Tenant parking, requesting a Conditional Use Variance for outdoor storage of vehicles. There is a parking deficiency with the existing variance. The number of required spaces for the site is 2,345; removing a building brings the requirement down to 2,251 spaces, and adding 65 spaces to the front of the site bringing an improvement of 156 spaces. The parking on site is adequate for the uses. One parking space for every 250 feet required. The parking stall size proposed is 9' x 18' instead of 9' x 20', limiting the amount of impervious coverage. The proposed 400 additional parking spaces are not for the tenants.

Mr. Ward explained the requested Waivers; for the slopes associated with the berming, planting and screening along the residential side, for the 500' drainage area map and the topography within 200' of the site. A discussion took place regarding Plan Sheets 1 and 2; an Environmental Inventory of the site. Mr. Ward described in detail the landfill in the South Easterly portion of the site, the sanitary sewer easement, and stated that the car storage is well away from the high tension power lines on the opposite side of the brook. Mr. Rabolli requested that Mr. Kohut contact the Fire Prevention Bureau, educate them and have them provide an update to the Board that the parking area is not inside the power line easement as previously stated in the Fire Prevention Bureau report. Mr. Ward stated that revised Plans will be submitted as well.

Mr. Ward continued, describing the Plan Sheets:

Sheet 3 - The front entrance of Building #59 that was removed in the Spring due to disrepair and hazardous condition.

Sheet 4A - The proposal above the landfill; the landfill is 4 acres, only the top portion 1.5 acres, about 5% will be utilized. To access the top of the landfill, a paved access road will be provided to get up the slope. DEP permits have been obtained for the regulated ditch along the side. A gate with a lock box is existing. The perimeter of the site will be fenced. A top surface reinforced turf parking area with geo-synthetic material will be laid on top of the grass providing reinforcement that spreads out the vehicle weight and will not disturb the cap. Everything is on top of the existing cap. It is a solid waste landfill, primarily sand; although there it could be asbestos. Environmental monitoring is under the supervision of the DEP Solid Waste Management. A reinforced emergency vehicle access road will be provided, as well as striping of the lot as a clear delineator of parking in an orderly fashion. Screening will be a mass of evergreens along the residential zone to the West and the South at the perimeter of the sloped areas. Vehicles will not access the site. Car carriers bring the cars in, then they are driven to the lot. There will be no access from Railroad Avenue other than for maintenance of the site.

Sheet 4B – Tenant parking improvements where Building #59 was across from Building #41. Forty-two new parking spaces will be added in the #59 area and twenty-three in the #41 area. Three new light fixtures for buildings plus shade trees suggested by the Engineer.

Sheet 5 – Details of the Site; the ditch, fencing detail and the Grass Protecta - 15 inches of materials before accessing the cap – not impacting the cap. Planting detail – tying into existing grade root. The slope: 2-1 slope, which is minimal. The Waiver is justified; 3-1 is typical slope average. 2-1 used in highway work. Mr. Ward stated that he met on site and reviewed the Plans with the DEP. The downside of the slope is the brook; ground covering could be added. Mr. Kelly recommended that additional ground covering be provided to retain stability.

Sheet 6 – Spoil Erosion Control; landscaping, Eastern Red Cedar, supplemented by white pines, additional plantings of 6 foot minimum, shade trees. Ms. Lawlor commented that the types of trees noted should be checked as the size of the root system could break through a barrier.

Discussions took place regarding the use of Grass Protecta; i.e., maintenance, snow plowing, erosion, weight distribution, etc. A study with respect to the landfill was requested by Mr. Kelly. Mr. Ward stated that reports would be provided as part of the permitting process. The material will support a box truck – a fire truck should not damage the landfill. Access will be for emergency vehicles only, no other trucks. Documentation will be provided that the DEP approves the weight. In the event the material is damaged, it will be repaired and maintained.

Ground water testing is no longer done. SRP monitoring will take place. A licensed remediation professional submits a semi-annual report to the DEP; a Bond is submitted.

Mr. Kohut referred to Mr. Kelly's report dated March 10, 2020, many of the items were addressed previously in this meeting. Further discussion took place regarding the need for a guard rail, adequate fall protection, possible use of wheel stops or Jersey Barrier on top. Snow removal to be done by hand. Lighting - minimum of one foot candle plus existing building mounted lights, shade trees, DEP documentation, Wetland Disturbance approval, drainage and RVD analysis were all discussed.

There were no further questions from the Board for this witness. Mr. Rabolli opened the questioning to the Public.

Ms. Bibbo inquired how the grass would grow with cars parked on the landfill cap. Mr. Ward responded that if cars impact the grass they would be moved and maintenance to the area would take place. Ms. Bibbo questioned the need for so many spaces if cars have to be moved. Mr. Ward responded that 400 would be the magnitude, but not be full 100% of the time.

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Ms. Magner presented a series of questions that were responded to by Mr. Ward.

1. Q: What is the life span of the Grass Protecta?
A: Whatever it is, it will be replaced when expired.
2. Q: In the application it is stated that the problem is that it butts up to outdoor storage. A 6 foot fence does not block the view; you can still see the top of the landfill.
A: Yes, if elevated.
3. Q: Who is going to monitor the number of cars there at a given time?
A: Ramsey Auto Group, as testified.
4. Q: How wide is the paved access road? The grade?
A: 20 feet. 10% slope.
5. Q: Is that sufficient for a fire truck?
A: Yes.

The existing grade will be changed up against the residential area. Drainage from one side to the other, not off the slope, enhancing with ground coverage.

The inquiry to the DEP from 1 ½ years ago received approval.

A rip rap swale along the side is the cut off swale to pick up the storm water. The ground water will be monitored; an LSRP report will be issued by an Environmental Specialist.

Exhibit A2 – Letter from the DEP dated October 7, 2019.

There were no further questions for this witness.

Mr. Rabolli stated that the Application is being carried to the September 2, 2020 Board of Adjustment meeting with a follow-up with the Fire Prevention Bureau. Objectors will have ten days to submit objections. At the next meeting neighbors may provide testimony, provide facts, and will be sworn in and subject to cross examination.

Available Members of the Board plan to meet at the site for a walk through.

Ms. Entrup requested a letter for extension of time.

Mr. Rabolli stated that no additional notice is required. If it is carried beyond September 2, 2020 the Public will be notified.

Mr. Rabolli stated that questions and/or concerns should be emailed to Mr. Cascio and Mr. Cascio will forward them to the Applicant's attorney, Mr. Kohut.

Mr. Straffin motioned to move into Work Session, seconded by Mr. Kearney. All voted in favor.

VII. WORK SESSION

Mr. Whiteman motioned to move out of Work Session and adjourn, seconded by Mr. Kearney. All voted in favor.

The meeting adjourned at 10:32 p.m.

These minutes were prepared by Sylvia Gerou, Zoning Board Recording Secretary. The minutes were provided to the Board of Adjustment on October 16, 2020 for approval at the Regular Meeting to be held on October 21, 2020.