

**TOWNSHIP OF MAHWAH
BOARD OF ADJUSTMENT**

MINUTES

JANUARY 18, 2023

The combined public/work session meeting of the Board of Adjustment of the Township of Mahwah was called to order at 7:32 p.m. by Mr. Rabolli, Chairman, 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. It was noted that adequate notice of the meeting 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.

PRESENT:

Mr. Calijone	Mr. Kearney
Mr. Cannava	Mr. Lockwood
Mr. Coplin	Mr. Martin
Mr. Jackson	Mr. Rabolli
Mr. Sitar	

ATTORNEY: Mr. Ben R. Cascio, Esq.

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

I. SWEARING IN OF REAPPOINTED MEMBER:

Mr. Scott Jackson, Vice Chair, Class IV, was sworn in as a reappointed Board of Adjustment Member for a three-year term through December 31, 2026.

II. APPROVAL OF BILLS:

None to present.

III. APPROVAL OF MINUTES:

None to present.

IV. MEMORIALIZING RESOLUTIONS:

None to present.

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 #1528-22 – SEAN & MARGO ROYLE
16 SKYTOP DRIVE, BLOCK 154, LOT 17**

Application with variances to construct a new, single-family home on a landlocked, vacant lot with access through driveway easements in Mahwah and Ramsey.

Mr. Cascio stated that the Notice was in order.

Mr. Kearney recused himself at this time.

Mr. Ira Weiner, Esq., of Beattie Padovano, LLC, 50 Chestnut Ridge Road, Montvale, NJ representing the applicants approaches and is sworn in by Mr. Rabolli. Mr. Weiner went over history of the property, including 2017 application for variances, Mahwah Zoning Ordinances, appeals filed and neighbor objections.

Mr. Weiner made mention to the right of way however resolution did not have rulings on it but acknowledged it was there. Further appeals and counter claims were discussed; appeals were dismissed and went to Chancery Division regarding the right of way which cuts thru several properties. Mr. Weiner showed on posterboard general location of where the right of way is.

Further discussions continued regarding Chancery Division, on who did and didn't reserve their rights to argue further, and right of way/easement.

Mr. Weiner called on **Mr. Angelo Onello, Engineer with Onello Engineering Consulting Services.** Mr. Onello approached and was sworn in by Mr. Rabolli. Mr. Weiner asked questions regarding zoning ordinances and this property being landlocked. Mr. Onello explained the access to the property, this is a flag shaped lot with some property in Ramsey. Driveway and easement go from Skytop thru Ramsey to property in Mahwah.

Mr. Onello explained the Township Fire Official submitted a report with additional specifications with fire truck schematic. (Exhibit B-1) Mr. Onello further explained fire truck and ladder extensions; additionally, he prepared supplemental fire analysis.

Mr. Onello described front of house and setbacks, lot depth and lot area. He explained the lot is A-Typical in shape and there is no surrounding land that can be added to the property. Further Mr. Onello explains the property is modest in size and meets setbacks; it is consistent with surrounding area and he believes there are no detriments to the zone plan.

Discussions continue regarding orientation of house and easements.

Mr. Kelly states applicant will need to submit a full soil application, to include topography, curbing, grading, etc.

Mr. Jackson inquires about buffering along driveway in rear of the property (Skytop). Mr. Weiner states that his clients would be willing to discuss; Mr. Onello added arborvitaes are proposed in two locations.

Mr. Rabolli called for a recess at 9:11; meeting reconvened at 9:19.

Ms. Suzanne Driscoll, 25 Stonefence Road, approaches questioning where the nearest fire hydrant is located and if an onsite fire hydrant has been considered. Mr. Onello states he can provide where the nearest fire hydrant is located and house will be sprinklered. Mr. Weiner objects to questions, stating questions should be for variances and engineer.

Ms. Driscoll states she believes the hardships being discussed are self-created hardships. Further discussions around driveway size and codes regarding fire safety.

Mr. Andrew Boruta, 25 Stonefence Road, approached with questions and concerns regarding the trees that are on his property along the proposed driveway, against his property line. Mr. Onello stated no trees from 25 Stonefence are shown on map and no trees will be disturbed on Mr. Boruta's property – referencing Exhibit A-3 Tree Removal Plan.

Mr. Boruta and Mr. Onello continue to discuss guardrails, slopes, K-Turn, Retaining Walls, ingress/egress and landscaping on top of Retaining Wall.

Mr. Rabolli stopped questioning at this time; the matter to be carried to the February 15, 2023 meeting with no further notice required.

A motion was made by Mr. Lockwood, seconded by Mr. Kearney to close the Public Hearing of the meeting and move into Work Session. All voted in favor.

VII. WORK SESSION

1. ANNUAL REPORT

Mr. Cascio prepared draft of Annual Report; Approved/Granted/Denied notations added. Mr. Cascio took last year's report to create draft for 2022 meeting.

Mr. Rabolli mentioned he sent a memo to the Township Attorney and Administration regarding cooperative sober living house ordinances.

Mr. Calijone stated we need a new code for "Accessory Dwelling Units".

Mr. Jackson stated the definition of "Family" may need to be revisited. Additionally, Mr. Cannava stated there needs to be more descriptives for the definition.

Mr. Lockwood referred to the Colliers' report and it being unbalanced. Mr. Cascio explained Federal Statute requires CSLR's in residential zones.

Also Mr. Martin stated Group Homes needs to be defined.

VIII. ADJOURNMENT:

A motion to adjourn was made by Mr. Cannava, seconded by Mr. Lockwood. All voted in favor. The meeting adjourned at 10:31 p.m.

These minutes were prepared by Michelle Sheydwasser, Board of Adjustment Recording Secretary. The minutes were provided to the Board of Adjustment on March 30, 2023 for approval at the Regular Meeting to be held on April 05, 2023.