

**TOWNSHIP OF MAHWAH
BOARD OF ADJUSTMENT**

MINUTES

JANUARY 20, 2021

The combined public/work session meeting of the Board of Adjustment of the Township of Mahwah held via Remote Zoom Conference was called to order at 7:30 p.m. by Mr. Whiteman, 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 specifying that this meeting would be held remotely and that electronic notice of both general access instructions and specific meeting invitations were posted to the Township Website.

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. Montroy
Mr. DeSilva	Mr. Straffin
Mr. Jackson	Mr. Whiteman

ABSENT: Mr. Rabolli

ATTORNEY: Mr. Ben R. Cascio, Esq.

PROFESSIONALS:

Mr. Michael J. Kelly, PE, Boswell Engineering
Ms. Debbie Lawlor, FAICP, PP, Maser Consulting
Ms. Geraldine Entrup, Administrative Officer

I. SWEARING IN OF REAPPOINTED MEMBER:

Mr. Gary Montroy, Alternate II, was sworn in as a reappointed Board of Adjustment Member for a two-year term through December 31, 2022.

II. APPROVAL OF BILLS:

December 11, 2020	\$165.00	Cascio – General Misc/Annual Report
December 16, 2020	\$200.00	Maser – Meeting Attendance

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

III. APPROVAL OF MINUTES:

None to present.

IV. MEMORIALIZING RESOLUTIONS:

None to present.

V. OPEN TO THE PUBLIC:

Mr. Whiteman opened the meeting to the Public for general questions or statements. No members of the Public participated on the Zoom call or wrote in comments.

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” Use Variance proposing a 400 parking space for the outdoor storage of vehicles and removal of building #59 to be replaced with 65 parking spaces associated with Ramsey Auto Group, continued from November 18, 2020.

Mr. Whiteman announced that the hearing is being carried to March 17, 2021. No further Notice is required.

**2. DOCKET #1171-05S-A (2020) BASKK, INC.
1 MIDVALE MOUNTAIN ROAD, BLOCK 1, LOT 157**

Application to build a single-family home on an unapproved street that was previously approved in 2005, continued from December 16, 2020.

Mr. Bruce Whitaker, Esq., McDonnell & Whitaker, 245 East Main Street, Ramsey, NJ, representing the Applicant, stated that this is a continuation of the Public Hearing in connection with the request to be able to construct a single-family home on a lot that fronts on a roadway that does not meet Township standards.

Township of Mahwah
Board of Adjustment Meeting Minutes
January 20, 2021

Ms. Entrup stated that she had received the signed and witnessed Certification from Mr. Calijone that he had viewed the Public Hearing from December 16, 2020, which gives him eligibility to vote on the Application.

Mr. Whitaker stated that it has been proffered and shown that the proposed Application meets the criteria that the roadway will service the home for emergency vehicle access. Other homes on Midvale Mountain Road are accessed through this roadway. A Soil Movement Permit Application has been submitted and a waiver of slopes 1V:3H is requested. This Application was previously approved by this Board. The Applicant has returned to the Board with a proposal to shift the location of the home in a Westerly direction. The findings of fact still fit. The location is sufficient from a safety aspect. Referring to the Fire Official, Mr. Roe's November 30, 2020 report, where Mr. Roe approved the proposal, Mr. Whitaker stated that based on the concerns from the Board at the previous meeting, he had requested that Mr. Roe contact the Applicant's Engineer, Mr. William Vogt. Mr. Vogt reviewed the Application with Mr. Roe on January 18, 2021. Mr. Montroy's concerns regarding Fire Safety have been addressed. Mr. Roe's email, dated January 20, 2021 stipulates acceptance and comments that the revised Plan dated January 19, 2021 with modifications to the driveway is even better than the original.

Mr. Kelly commented that he had reviewed the latest Plan revision. The revision was has minor changes. Crushed stone was added to enable the Fire Department to set up their vehicles. **Mr. Vogt**, still under Oath, presented Revision #4 dated January 19, 2021 as **Exhibit A2**. Referring to the modifications to the driveway, showing Revision #2 dated January 5, 2021 on the screen, Mr. Vogt commented that on the left hand side of the screen, 6 ½ feet of crushed stone along the Eastern side (right hand side) of the driveway had been added. The crushed stone is considered impervious coverage by the Highlands Commission and had to be limited to stay under 1/4 acre of the new impervious coverage. Mr. Kelly commented that the Ordinance states improved lot coverage; in this situation it means the same thing as impervious lot coverage.

Mr. Vogt continued, stating that the Plan on the right hand side of the screen is the final; Revision #4 dated January 19, 2021. Mr. Roe had requested at least a 14 foot wide travel lane from the straight part of the roadway parallel to the home all the way up to the driveway where the garages are. Coming up the asphalt driveway, is first 11 ½ feet, then 14 feet where flattened out and parallel with the house, then around the curve to the rear of the house is 18 feet within the expanded asphalt roadway. Mr. Vogt commented that Mr. Roe was pleased with the final layout and has endorsed the Plan. The overall change to the Plan is the impervious coverage raised slightly from 10,676 square feet (2.32%) to 10,806 square feet (2.35%) to accommodate a fire truck, and is still compliant and also compliant with the exemption of the Highlands Commission. No new waivers or variances are being requested.

Mr. Whitaker read Mr. Roe's e-mail dated January 20, 2021 into the record.

Mr. Kelly commented that the volumes of import and export in his report dated January 14, 2021 are not changed by the revision to the Plan.

Mr. Montroy confirmed that his concerns of fire safety including exiting the property, have been addressed by the widened driveway.

Mr. Kearney inquired as to the left and right sides of the driveway; not a drastic drop off or guard rails, more grade level? Mr. Vogt explained that the Western side (left) is Belgium block curve to direct storm water to the inlets. On the Eastern side (right) where widening, is edge of asphalt. A truck backing out would not be going off a steep edge.

Mr. Kelly informed the Board that he had received a complaint of work going on at the site and that the Applicant had responded that they own the lot to the North of this lot and that mulch was being moved; no work was being done.

In summation, Mr. Whitaker requested that the Board grant approval of the revised Plan including Soil Movement and waiver of the slopes.

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

VII. WORK SESSION

1. DOCKET #1171-05S-A (2020) BASKK, INC. 1 MIDVALE MOUNTAIN ROAD, BLOCK 1, LOT 157

Application to build a single-family home on an unapproved street that was previously approved in 2005, continued from December 16, 2020.

Mr. Kearney commented that the Board has to recognize the unique situation; the property borders the Town of Oakland, the two cul-de-sacs, and stated that the Applicant did a great job addressing the major safety issues, given the unique turf, topographical location and difficulty in building on the lot.

Mr. Cannava commented that there is obviously a hardship at the site and the Applicant is mitigating that to the best of his ability; impervious is out of the Applicant's hands.

Mr. Kearney thanked Mr. Kelly for the engineering work and Mr. Montroy thanked

Mr. Roe for his efforts from a pragmatic point of view which has resulted in a much better situation.

Mr. Calijone referenced Boswell's report #12 Drainage, and commented that they have to be careful of what's going down to the river.

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

2. ANNUAL REPORT

Mr. Cascio commented that the Board has submitted many of the same items and recommendations during previous years, and referenced Ms. Lawlor's memo dated January 20, 2021, which states that many have been addressed in the recently adopted new Zoning Code Ordinance and should be removed.

Upon questioning by Mr. Calijone, Ms. Lawlor added that the Annual Report is meant to be used when reviewing the Public Hearings annually. The report tells exactly what the variances were. If repeated variances are always being granted, maybe the Board wants to look at making a change. If a change is not coming before the Board it is not really meant to be part of the Annual Report. Last year Mr. Rabolli knew the Zoning Code would be reviewed and accepted the attachment submitted by Mr. Calijone. A 10-year spread is reviewed annually. Looking at the list, most were handled during the Master Plan update. Adding a level to a building, #8 on the list, will remain and be addressed in the very near future.

Mr. Cascio requested that Members of the Board think about what they might want to add, any suggestions; he and Ms. Lawlor will strike out what's been addressed for the next meeting. Ms. Lawlor added that the new Zoning Code came out in October of 2020, which captured years past, but very view after October.

Mr. Cascio stated that the contents of the report were:

- Summary - Page 1
- Analysis - Page 2
- Attachments - Exhibit

Discussion on this agenda item will continue at the next Board of Adjustment meeting scheduled for February 3, 2021.

Township of Mahwah
Board of Adjustment Meeting Minutes
January 20, 2021

A motion to move out of Work Session and adjourn was made by Mr. Montroy, seconded by Mr. Kearney. All voted in favor.

The meeting adjourned at 8:12 p.m.

These minutes were prepared by Sylvia Gerou, Zoning Board Recording Secretary. The minutes were provided to the Board of Adjustment on January 29, 2021 for approval at the Regular Meeting to be held on February 3, 2021.