

A motion to approve the bill for Colliers Engineering & Design was made by Mr. Martin, seconded by Mr. Kearney. A motion to approve the bills for Mr. Ben Cascio, Esq was made by Mr. Kearney and seconded by Mr. Martin.

A roll call vote revealed 7 aye votes by Mr. Calijone, Mr. Jackson, Mr. Kearney, Mr. Lockwood, Mr. Martin, Mr. Rabolli and Mr. Sitar.

II. APPROVAL OF MINUTES:

None to present.

III. RESOLUTIONS AUTHORIZING CONTRACTS FOR PROFESSIONALS:

None to Present

IV. MEMORIALIZING RESOLUTIONS:

**1. DOCKET #1531-22 – Camp Acorn, Inc.
10 Edison Road, Block 18, Lots 1, 3 & 4**

Application for a non-profit enrichment program servicing children and adults with developmental disabilities for a Conditional Use Variance that does not meet all the conditions, Resolution of Approval.

A motion to approve was made by Mr. Kearney, seconded by Mr. Martin. A roll call vote revealed 5 aye votes by Mr. Calijone, Mr. Kearney, Mr. Lockwood, Mr. Martin and Mr. Rabolli.

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, continued from January 18, 2023.

Township of Mahwah
Board of Adjustment Meeting Minutes
February 15, 2023

Mr. Kearney recused himself from the Sean & Margo Royle application.

Mr. John Lamb with Beattie and Padovano law firm is now representing applicants, as Mr. Ira Weiner is now semi-retired. Mr. Lamb has been following the case and is up to speed.

Mr. Lamb gave a summary of the prior hearing; he also made mention to the Fire Truck exhibits and report from Mr. Michael Roe, Mahwah Township Fire Official. Mr. Roe's report was dated February 08, 2022 but received February 14, 2023. Mr. Rabolli read the letter written by Mr. Roe into record for the members of the public that had not viewed it. The report from Mr. Roe was entered and marked as Exhibit B-2.

Questions for Mr. Angelo Onello, Engineer with Onello Engineering Consulting Services to continue from opposing parties.

Mr. Andrew Barutta, Homeowner of 25 Stone Fence Road, Mahwah, NJ approached and was sworn in by Mr. Rabolli. Mr. Barutta had questions regarding the following: how many drywells are needed for the new property, how will disturbance be dealt with (i.e., moving of boulders, etc.) and how will the sewage be dealt with?

Mr. Onello responded with the following: 5 or 6 drywells to be spread out evenly, which is a standard practice. With regards to disturbances, it will be dealt with like any other new construction and any boulders that must be removed will be taken care of. Mr. Onello explained how the sewage pump line would work.

Mr. Barutta mentioned a private agreement which was made with property owners. Mr. Lamb objected to the line of questioning and where conversation was going. Mr. Lamb gave a summary of the settlement/court order agreement which was filed on 11/30/2020. Mr. Rabolli confirmed 2 lots that were a part of this agreement were not in attendance.

Mr. Joel Brenner, Homeowner of 18 Skytop Drive, Mahwah, NJ approached and was sworn in by Mr. Rabolli. Mr. Brenner noted he is a licensed architect and asking questions as a concerned neighbor. It was mentioned Mr. Brenner was a part of the negotiation process for the easement. Mr. Royle (applicant) was the prior owner of 18 Skytop Drive.

Mr. Martin stated that prior history is beyond the scope of the application and at this point would be hearsay.

Mr. Brenner wanted to know if the proposed driveway was a fire way or a driveway? What code is it based on?

Township of Mahwah
Board of Adjustment Meeting Minutes
February 15, 2023

Mr. Onello explained their Fire Truck Analysis meets the limits of the wheels and the largest vehicle utilized by the Mahwah Fire Department.

Further discussion about easements, dry wells, soil movement, topography and slopes ensued in addition, to snow removal plans and sprinkler systems being put into place. Mr. Rabolli read into record MLUL NJSA code 40:55D-36 so all knew what is being requested and the scope of the application.

Mr. Brenner questioned the front door of the residence that is pointing north into the rear of the other properties and further discussed negative impacts. Mr. Lamb objected to the question as those lots settled and cannot object at this time; additionally, Mr. Brenner cannot object for the other parties.

Per Mr. Lamb there was prior litigation for the preexisting non confirming lot – lot area was then increased due to the litigation. He does not believe the lot depth variance is required but the planner will testify to proofs. Mr. Lamb put into record C1 – hardship and C2 benefits outweigh detriments – there is an existing condition.

Further discussions continued around detriments, non-confirming lots, configuration of lot and prior settlements.

Mr. Rabolli called for a 5-minute break at 8:59 PM; meeting reconvened at 9:06 PM.

Ms. Jenna Passarinio, Homeowner of 14 Skytop Drive, Mahwah, NJ approached and was sworn in by Mr. Rabolli. Before she began with her questions/concerns, Mr. Lamb pointed out that Ms. Passarinio's property was part of the settlement agreement previously done and that agreement carries forward to all successors of the properties.

Ms. Passarinio asked about the length of the proposed driveway and overall concern for safety because the proposed front door of the property will face the rear yards. Backyards that the proposed property faces are wooded portions of the other yards; not directly looking into any home.

Ms. Passarinio continued to question the length of the driveway, comparison to lot shapes in the immediate area, overall safety and specific to fire safety if there is an issue at any one's property in the immediate area, consistency with the master plan, any detriments to the public good, screening and utilities.

Mr. Robert Condatore, Homeowner of 6 Skytop Drive, Mahwah, NJ approached. Mr. Condatore wanted to know how they will get notified about a soil application submission for the proposed property and is also concerned over the property being a flag lot.

Township of Mahwah
Board of Adjustment Meeting Minutes
February 15, 2023

Mr. Rabolli addressed Mr. Onello asking about flag lots and fire safety. Mr. Onello explained property in question is not of common shape, proportions however they will make the design work.

Ms. Sue Driscoll, Homeowner of 25 Stone Fence, Mahwah, NJ approached and remains under oath. Ms. Driscoll had questions regarding the front lot line and front yard setback of the applicant property, which will be addressed to the planner at an upcoming meeting.

Discussions around the current application, prior consent orders and litigation began. Ms. Driscoll had questions/concerns regarding the trees that line her property, what will happen to them when they start to construct driveway leading up to new property. Mr. Onello explained this will be addressed with the soil movement application.

No more questions at this time for Mr. Angelo Onello, he will return to the next hearing for this application.

Mr. Lamb agreed to carry forward the hearing to Wednesday March 1, 2023 – at this meeting their planner will not be available for questioning.

Objectors will have a fire safety expert to testify.

Mr. Rabolli addressed the objectors and explained what is to be expected for the next meeting. Mr. Lamb was asked to provide a copy of the consent orders to Mr. Rabolli ahead of the next meeting for him to review and he will distribute to those as needed.

The Annual Report to be carried to the next meeting.

A motion to adjourn was made by Mr. Jackson, seconded by Mr. Rabolli. All voted in favor. The meeting adjourned at 10:25 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 10, 2023 for approval at the Regular Meeting to be held on March 15, 2023.