

**TOWNSHIP OF MAHWAH
BOARD OF ADJUSTMENT**

MEETING MINUTES

MARCH 1, 2023

The combined public/work session meeting of the Board of Adjustment of the Township of Mahwah was called to order at 7:34 p.m. 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. 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. Coplin Mr. Rabolli
Mr. Jackson
Mr. Kearney
Mr. Lockwood

ABSENT: Mr. Calijone
Mr. Cannava
Mr. Martin
Mr. Sitar

ATTORNEY: Mr. Ben R. Cascio, Esq.

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

I. APPROVAL OF BILLS:

None to present.

II. APPROVAL OF MINUTES:

None to present.

III. MEMORIALIZING RESOLUTIONS:

None to Present.

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 #1535-23 – MARTA & MARIUSZ GANDY
8 MALLARD ROAD, BLOCK 139.01, LOT 7.15**

C Variances for more than one accessory structure, accessory structure setback and patio in front yard.

Mr. Cascio stated that the Notice was in order.

Mrs. Gandy was sworn in by Mr. Rabolli. Mrs. Gandy described the three variances that were requested in the application. She explained the need and use for the additional structures.

Mr. Rabolli opened the questioning to the Members of the Board for Mrs. Gandy.

Questions from Members of the Board included: any language in the code regarding structures, since the applicants' home is located on a curve, does the overhang on the gazebo count as part of the setback and as part of the structure. Mr. Rabolli then summarized the application and requests.

A motion to move into Work Session was made by Mr. Kearney and seconded by Mr. Jackson. All voted in favor to move into Work Session.

Note: Mr. Rabolli called Docket #1528-22 and moved back into Public Hearing portion of the meeting.

**2. 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 February 15, 2023.

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

Mr. Rabolli noted the hearing returned to the Public portion and read into record that Mr. Coplin has certified that he has watched the February 15, 2023 meeting and is eligible to proceed.

Mr. Lamb and Mr. Rabolli discussed the memo package received dated February 27, 2023; Mr. Lamb stated that he did not give any of the objectors copies of the memo as he is not obligated to. Mr. Rabolli noted that he will give a copy to Ms. Susan Driscoll for the objector's reference. All members of the Board may be given copies after Mr. Rabolli has reviewed information.

The following is a list of exhibits provided by Mr. Lamb and formally marked into the record:

a) Hearing of January 18, 2023

- a. A1 – Fire Truck Plan dated January 13, 2023
- b. A2 – Fire Truck Plan dated January 18, 2023
- c. A3 – Mahwah Tree Location and Renovation Plan
- d. B1 – Letter from Fire Department with Schedule of Fire Trucks dated December 27, 2022

b) Hearing of February 15, 2023

- a. B2 – Letter of Denial of Mahwah Fire Department dated February 8, 2023 received in Mahwah on February 14, 2023 and received by Applicant on February 15, 2023

c) Hearing of March 1, 2023

- a. A4 – Email of Angelo Onello to Mahwah Fire Department dated February 7, 2023 attaching “Fire Truck Performance Analysis”
- b. A5 – Letter of John J. Lamb, dated February 16, 2023 to Mahwah Fire Department (confirming that Applicant accepts changes requested by Mr. Roe of Mahwah Fire Department and agrees to condition that Applicant would adjust pavement and improvements further if there was need)
- c. A6 – Letter of Angelo Onello to Mahwah Fire Department and Township Board of Adjustment dated February 27, 2023 (explaining changes and revisions)
- d. A7 – Revised Plans of Onello Engineering last revised February 27, 2023 showing changes for Fire Department approval and other revisions
- e. A8 – Alb vs Zoning Board of Adjustment of Bridgewater Township (Docket No. SOM-L-1239-94); 19 Municipal Law Review 65 (March 1996) (Unpublished); See, Cox and Koenig, New Jersey Zoning and Land Use Administration (2023 Edition), Section 37.2, p. 541
- f. B3 – Mahwah Fire Department approval of February 28, 2023

- g. B4 – Ramsey Fire Department approval dated March 1, 2023 (stating that no additional requirements; Mahwah requirements were more stringent)

Mr. Angelo Onello, Engineer with Onello Engineering Consulting Services

approached and remains under Oath. Mr. Onello gave an overview of Mr. Michael Roe's second denial letter. Mr. Onello stated he had spoken with Mr. Roe, additionally to Ramsey Fire Officials regarding the property and concerns. As a result, revisions were made to the fire plans. Pavement has been increased but still meets the criteria for coverage and gravel was eliminated as requested by the Mahwah Fire Department.

Mr. Onello pointed out there are two fire hydrants located within the area of the proposed property. Additionally, he described the slope of the area which is similar to that of a handicap ramp – 7% slope.

Mr. Lamb questioned the need for a sprinkler system; Mr. Onello stated there are no known requirements but applicant has stipulated they will install sprinklers.

Mr. Kelly asked if the property would need a retaining wall or guardrail. Mr. Onello explained they may not need a retaining wall and described possibly constructing a 3-foot retaining wall which could help elevate and would need drainage.

Mr. Robert Condatore, Homeowner of 6 Skytop Drive, Mahwah, NJ approached. Mr. Condatore wanted to know impervious ratio for Lot 21 and questioned if it's within limits. Mr. Onello stated 66.9 % is ratio for Lot 21, to which Mr. Lamb when doing these calculations, the entire lot is used even if it goes across towns and lot lines, as this property has sections in Ramsey and Mahwah.

Ms. Sue Driscoll, Homeowner of 25 Stone Fence, Mahwah, NJ approached and remains under Oath. Ms. Driscoll wanted to know if Mr. Lamb sent letter to entire Board and wondering if it was received. Mr. Rabolli confirmed that he has received the letter but it has not been distributed to the Board until Mr. Rabolli has fully reviewed to determine if it will get distributed to the Board.

A copy of the letter was given to Ms. Driscoll at the meeting.

Mr. Rabolli stated the matter to be carried to the April 19, 2023 meeting with no further notice required.

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

VI. WORK SESSION:

**1. DOCKET #1535-23 – MARTA & MARIUSZ GANDY
8 MALLARD ROAD, BLOCK 139.01, LOT 7.15**

Note: Work Session was held immediately after the Public Hearing for this docket.

C Variances for more than one accessory structure, accessory structure setback and patio in front yard.

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

2. ANNUAL REPORT

Mr. Jackson had questions regarding accessory structures and types thereof, should there be language on different types. Mr. Kelly read definition of “Building” and “Accessory Use/Structures”.

Ms. Entrup had a question regarding deer fencing, stating there have been some inquiries regarding them. Mr. Rabolli would like to table this topic until an application is received that can be deliberated.

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

VII. ADJOURNMENT:

A motion to adjourn was made by Mr. Jackson, seconded by Mr. Lockwood. All voted in favor. The meeting adjourned at 9:08 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.