

**TOWNSHIP OF MAHWAH
BOARD OF ADJUSTMENT**

MEETING MINUTES

APRIL 5, 2023

The combined public/work session meeting of the Board of Adjustment of the Township of Mahwah was called to order at 7:30 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. Jackson
Mr. Kearney
Mr. Lockwood
Mr. Rabolli
Mr. Sitar

ABSENT: Mr. Calijone
Mr. Cannava
Mr. Coplin
Mr. Martin

ATTORNEY: Mr. Ben R. Cascio, Esq.

PROFESSIONALS: Ms. Geraldine Entrup, Administrative Officer

I. APPROVAL OF BILLS:

Ben Cascio, Esq.	March 1 & 15, 2023	Meeting Attendance	\$500.00
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A motion to approve the bills for Mr. Ben Cascio, Esq was made by Mr. Lockwood and seconded by Mr. Kearney.

A roll call vote revealed 5 aye votes by Mr. Jackson, Mr. Kearney, Mr. Lockwood, Mr. Rabolli and Mr. Sitar.

II. APPROVAL OF MINUTES:

1. MINUTES OF JANUARY 18, 2023

A motion to approve was made by Mr. Lockwood, seconded by Mr. Jackson. All eligible Members voted in favor.

2. MINUTES OF MARCH 15, 2023

A motion to approve was made by Mr. Lockwood, seconded by Mr. Jackson. All eligible Members voted in favor.

III. MEMORIALIZING RESOLUTIONS:

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

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

A motion to approve was made by Mr. Jackson, seconded by Mr. Kearney. A roll call vote revealed 4 aye votes by Mr. Jackson, Mr. Kearney, Mr. Lockwood and Mr. Rabolli.

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 #1537-23 – SHAHAN & SAIMA SIBTAIN
14 ADAMS COURT, BLOCK 177, LOT 13.01**

Application for C variance to install a 6-foot fence in a front yard.

Mr. Cascio stated that the Notice was in order.

Mr. Sibtain, homeowner of 14 Adams Court Mahwah NJ, approached and was sworn in by Mr. Rabolli. Mr. Sibtain gave description of his application, including purpose of installing fence. For clarification Mr. Rabolli asked Mr. Sibtain to approach and point out on the map the location of his home in relation to Wyckoff Avenue. Mr. Rabolli asked

Mr. Sibtain if he had any children, trying to determine if the fence was needed for privacy and safety. Mr. Sibtain stated he did have 2 children and the fence would provide further privacy and safety when the children are outside.

Mr. Lockwood asked if there was an approval obtained regarding the easement on the property. Mr. Sibtain stated that he did receive approval with regards to the easement and installing his fence. Further Mr. Lockwood wanted to know the exact placement of the fence with regards to the row of trees on the property. Mr. Sibtain advised the fence was to be installed with the row of trees on the outside of the fence.

Mr. Kearney asked if there was a possibility the neighbors sideview could be affected with the fence installation. Mr. Sibtain responded the sightline should not be affected for any neighbor and that the fence will be just at the front edge of the house.

Mr. Jackson read on to the record the points outlined in Mr. Kelly's report regarding the property and installation of the proposed fence.

At this time there were no further questions from the Board Members or the public regarding this docket. Mr. Rabolli gave a summary of the application and request being made.

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.

**2. DOCKET #1540-23 – JORDAN LOMUPO
10 HETZEL DRIVE, BLOCK 162, LOT 258.05**

Application for C variance for inground pool on a lot that has two front yards.

Mr. Cascio stated that the Notice was in order.

Adam Gorga with GD Group LLC, 271 Route 46 West, Fairfield NJ 07004
approached with Mr. Lomupo, homeowner of 10 Hetzel Drive Mahwah, NJ and were both sworn in by Mr. Rabolli. Mr. Gorga gave a summary of the application and walked the board through the plans submitted with the application.

Mr. Rabolli asked for a description of the setbacks, property of applicant and roadways surrounding property. Mr. Gorga gave a complete rundown as requested, including property, landscaping, roadways.

Mr. Kearney asked if they could please describe the neighborhood, do other neighbors have the same set up or similar pools on their properties. Mr. Lomupo explained the

surrounding neighbors and confirmed that yes, his neighbor has a pool in similar fashion to the one being proposed. Mr. Gorga added no additional structures are in the plans at the moment, perhaps down the road a covered patio but nothing in plans now.

Mr. Rabolli stated that there was a 6-foot fence put in on the property in 1999, that the owner at the time never received variance approval to put in, although there are approved Zoning and Building permits on file. Mr. Rabolli stated with his potential approval for the pool the Board may grant approval for prior work that was done on the property without having variances. Since the prior owners did the work without the proper variances Mr. Lomupo is not at fault and variance should be granted to clear slate.

Mr. Lockwood asked for a description of the road behind the house. Mr. Lomupo explained there are no other main roadways, or houses. There is a condominium building for 60 and over community with parking lot and speed bumps. Mr. Kearney further explained the building and who is responsible for the roadway, as well as layout of property to help further clarify for the Board.

At this time there were no further questions from the Board Members or the public regarding this docket. Mr. Rabolli gave a summary of the application and request being made.

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

VI. WORK SESSION:

1. DOCKET #1537-23 – SHAHAN & SAIMA SIBTAIN 14 ADAMS COURT, BLOCK 177, LOT 13.01

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

Application for C variance to install a 6-foot fence in a front yard.

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

**2. DOCKET #1540-23 – JORDAN LOMUPO
10 HETZEL DRIVE, BLOCK 162, LOT 258.05**

Application for C variance for inground pool on a lot that has two front yards.

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

VII. ADJOURNMENT:

A motion to adjourn was made by Mr. Kearney, seconded by Mr. Jackson. All voted in favor. The meeting adjourned at 8:00 p.m.

These minutes were prepared by Michelle Sheydwasser, Board of Adjustment Recording Secretary. The minutes were provided to the Board of Adjustment on April 13, 2023 for approval at the Regular Meeting to be held on April 19, 2023.