

II. APPROVAL OF MINUTES:

1. MINUTES OF MARCH 3, 2021

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

III. MEMORIALIZING RESOLUTIONS:

**1. DOCKET #1472-19 – MAHWAH BUSINESS PARK, LLC
65 RAMAPO VALLEY ROAD, BLOCK 41, LOTS 1, 2, 9 & 10**

Resolution of Approval of a “D” Use Variance proposing a 400 parking space lot for the storage of vehicles and removal of building #59 to be replaced with 65 parking spaces associated with Ramsey Auto Group.

A motion to **approve** the removal of Building #59 to be replaced with 65 parking spots, and to **deny** the 400 parking space lot on the Landfill was made by Mr. Whiteman, seconded by Kearney. A roll call vote revealed 7 aye votes by Mr. Calijone, Mr. Cannava, Mr. Jackson, Mr. Kearney, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

**2. DOCKET #1481-20– GARY ROSCOE
116 EAST CESCENT AVENUE, BLOCK 120, LOT 53**

Resolution of Approval of “C” Variances for rear and side-yard setbacks, exceeding size of an accessory structure to construct an addition to an existing detached garage.

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

**3. DOCKET #1485-20 – PETER AND MICHELLE SCHESCHUK
170 FARDALE AVENUE, BLOCK 162, LOT 234**

Resolution of Approval of a “C” Variance to erect a six-foot fence in a front yard.

Mr. Kelly requested an amendment to the Resolution to correct any reference to the address being 190 Fardale Avenue to 170 Fardale Avenue. Mr. Kelly also requested an amendment to page 4, item #1 last sentence to “The location shall be confirmed by the Board’s Engineer, so as not to interfere with the unobstructed site distances at the intersection of Fardale Avenue and Wyckoff Avenue”.

A motion to approve as amended was made by Mr. DeSilva, seconded by Mr. Montroy. A roll call vote revealed 7 aye votes by Mr. Calijone, Mr. DeSilva, Mr. Jackson, Mr. Montroy, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

IV. OPEN TO THE PUBLIC:

Mr. Rabolli 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.

V. PUBLIC HEARING(S):

**1. DOCKET #1484-20 – PIKE ENTERPRISES, LLC
149 FRANKLIN TURNPIKE, BLOCK 70.02, LOT 121**

Preliminary and Final Site Plan Application for Conditional Use and “C” Variances to demolish the existing service station and construct a new service station with a canopy, a Dunkin Donuts with drive through, signage, parking lot, drainage, lighting and landscaping improvements, carried from April 7, 2021.

Mr. DeSilva recused himself from the hearing of this Application.

Mr. Andrew Kohut Esq., Wells, Jaworski & Liebman, 12 Route 17 North, Paramus, NJ, representing the Applicant, introduced his first witness who had previously testified, **Civil Engineer, Mr. Joseph Vince, Schwanewede/Hals Engineering, 9 Post Road Oakland, NJ**. Mr. Vince, remaining under Oath, continued with testimony from the February 17, 2021 hearing.

Sharing his screen, Mr. Vince stated that previous conversation took place regarding circulation. The proposal for the driveways is a safety enhancement. Although appropriate, the proposal of 35 feet does not comply with the Township of Mahwah’s Ordinance of 40-50 feet on a County Road. Mr. Vince provided detail of the return radius, the sidewalk, and the proposal of the opening style. The plans indicate that the driveways are the appropriate width. The Applicant is requesting waivers or variance relief.

Site distance, roadways, a site triangle easement as a condition of approval, no parking, the flag pole, landscaping – number and types of trees and bushes were all discussed by Mr. Vince. Mr. Vince commented that there are no topographic restraints; it is safe. A Variance for a fence greater than 4 feet in the front yard for a buffer – proposing a 6 foot fence remain – it does not obstruct the site distance. Regarding the Streetscape, Mr. Vince stated that the Applicant would match the Township’s as long as it is permitted by Bergen County; to be added to the Resolution.

Mr. Vince continued with detail of the Soil Movement Permit Application, lighting plan for the building, pole and canopy, stating that the heights were in conformance and that the level of lighting was appropriate with minimum lighting behind Dunkin Donuts near residents. The 6 foot fence and the arborvitae will aid in reducing the foot candle and/or glow. The proposed back shields on the light poles are to prevent light spillage. Signage will include four Fuel and Dunkin Donuts signs that conform with the Ordinance and two canopy signs. The canopy signs are 6 feet 4 inches where 4 feet is permitted. They are tucked away in the corner, sized to fit proportionally; visible for safety reasons for travelers. Pylon sign – 1.4' from property line. Further discussion took place regarding the signs and comparison to other gas station signs in the area.

Mr. Kohut commented that the Conditional Use Variance is being requested because the gas station is within 25 feet of residential properties per ordinance, and referenced the previous approval of 25 feet from the pumps, 10,000 square feet lot area – have 114 feet deep, 200 feet wide. Could subdivide to two lots. The gas station use is 110 feet from residential property. Mr. Montroy commented that the intent of the original Ordinance was to not have gas pumps within 25 feet of residential. It is a Conditional Use now due to odor and safety.

A discussion took place regarding the soil calculations and the requirement of a Soil Movement Permit Application.

Mr. Rabolli opened the questioning to Members of the Board for Mr. Vince.

Questions from Members of the Board included; replacement trees blocking the view from the bedrooms on Winters Place, storage of underground tanks, parking, traffic flow (to be addressed by Traffic Engineer), snow removal, dumpsters, entrances, streetscape pattern, turning radius for gas truck deliveries, operating hours for lights, location of window for Dunkin Donuts drive through, height of canopy, consideration of taller arborvitae at start.

Responses from Mr. Vince and Mr. Kohut included: replacement trees will be clustered on the property, underground storage tanks will be stored in a concrete area not near residents, parking will be addressed by the Traffic Engineer, snow will be plowed to the corners and a condition of approval that the manager will have the snow hauled off if needed, a No Left Turn sign will be placed at Stephen's Lane, the sidewalk will be patterned, the turning radius to unload gas still has room for cars in the bypass lane, tanks are being moved 15 feet back to allow more room for delivery trucks and improve traffic flow, as a condition of approval – control deliveries to off-peak station hours, lights will be on for night deliveries to Dunkin Donuts, – not making light pollution – the newer lights are controllable and can be dimmed by cellular, the Traffic Engineer will discuss the best location for the drive through window at Dunkin Donuts, the canopy is 15 ½ feet,

the lights can be dimmed, it is a typical proposal for canopies, the light is directed downward and dissipates, the canopy lights will also be shielded by Dunkin Donuts, the 6 foot to 8 foot trees will grow 1 foot per year; starting at the smaller size, the trees will have a better chance of survival.

There were no further questions from Members of the Board for Mr. Vince.

Questions from Board Professionals and members of the Public will be heard at the next hearing for this Application.

Mr. Rabolli announced that continuation of the hearing for Pike Enterprises is carried to June 2, 2021. No further Notice is required. An extension of time to June 2, 2021 was granted by Mr. Kohut.

**2. DOCKET #1478-20 MONARCH COMMUNITIES, LLC
EAST RAMAPO AVENUE/FRANKLIN TURNPIKE/KING STREET/
SIDING PLACE, BLOCK 82 LOTS 1, 3-17, 26, 29, 30**

Application for “C” and “D” Variances to construct a multi-level Senior Housing Facility with retail space, parking garage and other site improvements including off-street parking and circulation, loading area, sidewalks, retaining walls, signage, landscaping and lighting, continued from April 21, 2021.

Mr. DeSilva recused himself from the hearing of this Application.

Mr. Andy Del Vecchio, Esq., Beattie Padovano, LLC, 50 Chestnut Ridge Road, Montvale, NJ representing the Applicant, called his first witness; **Mr. Jon Brody, 293 Eisenhower Parkway, Livingston, NJ 07039**, gave his qualifications and experience and was sworn in as an Appraisal Expert by Mr. Rabolli. Mr. Brody stated that he has reviewed the plan, attended previous meetings and has inspected the property. Exhibit A-10 dated January 20, 2021 was prepared by Mr. Brody to support his opinion regarding the study on negative criteria to surrounding areas. Mr. Brody commented that he had researched other locations prior to and after construction closest to the proposed development that were relatively similar, to do an analysis and compare square footage, chronological age and impact to the neighborhood. Sharing his screen, Mr. Brody explained the data and conclusions in detail. The conclusions being that there was no detrimental impact on the surrounding areas. Ratio studies by the Division of Taxation Department in Trenton indicated no loss in value to houses involved. The growth trend was 6%; higher when compared by square footage - 80%. Mr. Brody gave his opinion that based on the empirical data, the development in this location will have no impact on the Real Estate Market or value on properties close to it. Prices stay consistent with prices of the properties in the neighborhood.

Mr. Rabolli opened the questioning to Members of the Board for Mr. Brody.

Questions and comments from Members of the Board included; units to acre in the examples given were twice the size of those in Mahwah, did not see a comparison to the type of neighborhood like Mahwah, i.e., railroad tracks, businesses, the transitional location being an enhancement not detrimental, commercial component comparison.

Mr. Brody responded in great detail and provided additional data studies of other locations, including Brandywine in Mahwah, and an assessment to sales prices of homes in Mahwah for the timeframe of 2013 to 2020. Mr. Brody stated that this location being in a mixed neighborhood was different from other studies. The building will not diminish the values of the railroad tracks or commercial businesses; it will probably enhance the value of the neighborhood being a perfect location to generate people.

There were no further questions from Members of the Board for Mr. Brody.

Mr. Rabolli opened the questions to Board Professionals for Mr. Brody.

Ms. Lawlor inquired if a comparison was done for the density of the facilities in terms of height and parking similar to this proposal. Mr. Brody responded that all of the facilities required some kind of variances. Some were not relevant to his studies. The densities varied, but did not impact or diminish values.

There were no further questions from Board Professionals for Mr. Brody.

Mr. Rabolli opened the questioning to members of the Public for Mr. Brody.

Members of the Public:

Ms. Audrey Gold, Miller Road

Ms. Martha Steinback, Wanamker Avenue

Ms. Dorothy Feola, 39 Messenger Road

Ms. Josephine Bourgholtzer, Hillside Avenue

Questions from members of the Public included; other facilities are in lower density areas, would the higher density in Mahwah not impact the area, not a lot of space in Mahwah, are any of the comparable facilities in the center of the community near a fire department, or county roadways, traffic impact.

Mr. Brody's responses were; it was concluded that the density of the development is not a factor that will impact the homes; the physical characteristics of the property are that it can handle the density of the neighborhood, studies on other locations did not include

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downtown, the streets near the proposed location in Mahwah have fairly heavy traffic, (traffic impact will be addressed by the Traffic Expert),

There were no further questions from members of the Public for Mr. Brody.

Mr. Rabolli announced that continuation of the hearing for Monarch Communities is carried to June 16, 2021. No further Notice is required. An extension of time to June 16, 2021 is to be granted by Mr. Del Vecchio.

A motion to adjourn was made by Mr. Kearney, seconded by Mr. Montroy. All voted in favor. The meeting adjourned at 10:37 p.m.

These minutes were prepared by Sylvia Gerou, Zoning June 11, 2021 for approval at the Regular Meeting to be held on June 16, 2021.