

**TOWNSHIP OF MAHWAH
BOARD OF ADJUSTMENT**

MEETING MINUTES

MAY 17, 2023

The combined public/work session meeting of the Board of Adjustment of the Township of Mahwah was called to order at 7:32 p.m. by Mr. Jackson, Vice 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. Calijone
Mr. Coplin
Mr. Jackson
Mr. Martin
Mr. Rabolli – in at 8:00pm
Mr. Sitar

ABSENT:

Mr. Cannava
Mr. Kearney
Mr. Lockwood

ATTORNEY:

Mr. Ben R. Cascio, Esq.

PROFESSIONALS:

Mr. Michael J. Kelly, PE, Township Engineer
Ms. Kristin Russell, PP, Colliers Engineering & Design
Ms. Geri Entrup, Administrative Officer

I. APPROVAL OF BILLS:

None to Present.

II. APPROVAL OF MINUTES:

1. MINUTES OF SEPTEMBER 1, 2021

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

2. MINUTES OF JANUARY 11, 2023

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

3. MINUTES OF MAY 3, 2023

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

III. MEMORIALIZING RESOLUTIONS:

**1. DOCKET #1541-23 – RESERVE AT MAHWAH/341 LANDCORP
9 ADAMS COURT, BLOCK 178, LOT 24.03**

Resolution granting a “C” variance for front step encroachment into the front yard setback.

A motion to approve was made by Mr. Calijone, seconded by Mr. Jackson. A roll call vote revealed 2 aye votes by Mr. Calijone and Mr. Jackson. One nay vote was given by Mr. Coplin.

**2. DOCKET #1539-23 – STEPHEN THOMAS
56 HARVIN PLACE, BLOCK 165, LOT 19**

Resolution granting a “C” variance to build a wraparound porch and install an HVAC and generator pad within a front yard setback.

A motion to approve was made by Mr. Calijone, seconded by Mr. Jackson. A roll call vote revealed 3 aye votes by Mr. Calijone, Mr. Coplin and Mr. Jackson.

IV. OPEN TO THE PUBLIC:

Mr. Jackson opened the meeting to the Public for general questions or statements. No members of the Public participated.

V. 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.

Mr. Jackson stated into the record the application has been withdrawn. Mr. Jackson referenced a letter dated May 9, 2023 from Mr. John Lamb, the applicant's attorney, stating the request to have their application withdrawn formally from further hearings.

**2. DOCKET #1341-12 – ADPP ENTERPRISES, INC.
231 ROUTE 17 NORTH, BLOCK 59, LOT 21.01**

Application for Conditional Use Variance, Bulk Variances and Waivers; Preliminary and Final Site Plan; Soil Movement for over 1,000 cubic yards of movement for the proposed construction of a gas station/convenience store with a drive-through.

Mr. Jackson read into record that per the request of the Applicant, the hearing of this Application is adjourned to July 19, 2023. No further Notice is required.

At this time Mr. Jackson called for a recess; meeting reconvened at 8:04 pm.

**3. DOCKET #1536-23 – THE PLANT CHURCH
125 GLASGOW TERRACE, BLOCK 135, LOTS 1 & 2**

Application to install two additions to the building, relocate two existing sheds and reorient, expand and improve on-site parking on an undersized lot that does not meet all requirements for a Place of Assembly.

Mr. Cascio stated that the Notice was in order.

Mr. Jackson recused himself from The Plant Church application. Mr. Rabolli explained this application would need five affirmative votes for approval and there are only five Board Members able to vote on the application presently; the applicant would still like to move forward with the hearing.

Ms. Jennifer Berardo with The Law Office of Wells, Jaworski & Liebman, LLP located at 12 Route 17 North, Paramus NJ 07653, approached and provided an overview of the application being heard as well as background information on the property.

Pastor Robert Parker, Pastor at The Plant Church, was called as Ms. Berard's first witness; Pastor Parker approached and was sworn in by Mr. Rabolli. Pastor Parker explained his role and position at The Plant Church; additionally, he explained the property and the services provided to the worshippers. He provided details on the weekly schedule, such as the different events and services provided as well as special events. Pastor Parker stated currently there are four full-time employees and two part-time employees. Further he outlined the necessity for the site improvements and why they are important to The Plant Church and the parishioners.

Mr. Sitar had questions regarding the kitchen, specifically if there would be large trucks bringing in food or beverage orders. Pastor Parker explained there are no large food or beverage deliveries being brought in; they have a kitchen but it is not a full functioning kitchen, meaning they only provide for example coffee and light snacks.

Mr. Calijone asked if there are special events that take place, for example weddings or funerals. Pastor Parker confirmed there are such events held from time to time. He also stated he had spoken to the Hindu Temple located next to the facility for additional parking on days where it will allow; the issue with this option is it could be dangerous for parishioners crossing the street.

Ms. Kristin Russell stated there is a parsonage on the property that was previously used as a residence; at this time this parsonage is being used as an office and not residence. Because it is no longer a residence, it does not comply with the current Zoning Code.

Mr. Daniel LaMothe from Lapatka Associates located at 12 Route 17 North Paramus NJ 07653 was called as the next witness; Mr. LaMothe was sworn in by Mr. Rabolli as he approached. Mr. LaMothe provided his educational and professional background, and was accepted as a Civil Engineer.

Mr. LaMothe gave an overview of the current site plan as well as the proposed site plan, using the Site Layout Plan dated December 2, 2022. He reviewed landscaping, proposed updates and the increase in parking spaces. Currently they have 66 parking spaces and are looking to have 98 spaces, which include electric vehicle and handicap parking spaces. A part of the proposed plan is to remove four trees and replace with ten new trees; additionally hedges to shield parking spots from neighbor houses to reduce any potential glare. There will be new LED lights installed that will be controlled for dimming and brightening in the parking lot. One sign will remain on Glasgow Terrace and there is to be another sign placed within the new proposed landscaping.

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Mr. Martin asked if the Fire Department had reviewed the proposed plans and approved them. Additionally, he wanted to know if there was any way to use the current office space to store the contents in the shed in an effort to remove the sheds from the property. Ms. Berardo confirmed the Fire Department did review and approve the plans; also, to her knowledge the daycare is using the sheds at this time.

Mr. Martin asked if there was a way to reduce the number of sheds and buildings on the property. Ms. Berardo stated she can go back to the applicants to discuss different options but reconfirmed that the building and sheds have already been on the property. Further Mr. Martin asked if an average car would be able to fit in the parking spaces proposed as they are measured, also if the lights will be on timers. Mr. LaMothe confirmed that a few lights are to be kept on for security purposes after church activities are done but most will be off. Pastor Parker stated the lights are on timers which are already in place.

Mr. Calijone asked if they could combine sheds instead of having multiple. Mr. Rabolli asked also if they would be willing to combine both sheds. Ms. Berardo stated she can look back to try and consolidate sheds with the applicant if necessary.

Ms. Russell stated prior permits were not seen for the original placement of the accessory structures. Ms. Berardo is willing to look back in records for that information if needed.

Mr. Calijone asked if there was a way to have the entrance way moved for access from Ramapo Valley Road instead of how it is currently proposed. Mr. LaMothe stated that would be a County request and he didn't believe the County would allow for such.

Mr. Kelly stated he has reviewed the Storm Water reports and believes the run off and drainage is adequate as designed. Mr. Kelly stated a Public Hearing will be needed for their Soil Permit Application, and asked about the Bergen County applications which Mr. LaMothe advised they are pending. Additionally, Mr. Kelly stated there are plans to resurface Glasgow Terrace in the summer, would there be any conflict with the resurfacing and their proposed work. Mr. LaMothe stated there would be no conflict between the two jobs; Mr. Kelly advised if the application is approved, they can coordinate efforts.

Mr. Calijone asked if they would be willing to move the current playground on site. Mr. LaMothe stated it was not in the plans as there is currently a stone wall which provides extra buffering to the playground, where as moving it would leave it more exposed.

Ms. Russell asked about the proposed dumpster enclosure, how it will be enclosed? Mr. LaMothe provided a description of the proposed dumpster.

Mr. Coplin asked if the proposed parking spaces are ADA compliant. Mr. Lamothe confirmed all parking is ADA compliant.

At this time there were no further questions from the Board for Mr. LaMothe and opened to the public.

Ms. Nancy Amalfitano of 123 Glasgow Terrace, approached and was sworn in by Mr. Rabolli. Ms. Amalfitano explained she has been a neighbor for 40 years and has been asking for a fence to help buffer the cars that are facing her yard. Mr. LaMothe stated there would be a four-foot buffer in place to help shield cars, he stated they may be able to discuss a fence.

Ms. Maria LaSalvia of 80 Glasgow Terrace, approached and was sworn in by Mr. Rabolli. Ms. LaSalvia had questions regarding the hedges proposed to surround The Plant Church, she wanted to know why they couldn't plant large Evergreen trees. Mr. LaMothe stated there would be different plants planted along the hedges; additionally, he explained they had not proposed high Evergreens as the goal was not to hide the church but provide a buffer. Further Ms. LaSalvia stated there was no need for the sheds as the school would be closing in the next two years and they look very tacky. Mr. LaMothe stated the sheds would be 100 feet back from property line and shouldn't be all that visible.

Ms. Berardo called up her next witness, **Mr. James Cutillo who is a registered architect with James P. Cutillo and Associates located at 593 Newark Pompton Turnpike in Pompton Plains, NJ 07444**. Mr. Cutillo gave his educational and professional background and accepted as a licensed architect. Ms. Berardo asked for him to review the proposal of plans. Mr. Cutillo using the architectural plans dated 12/5/2022 explained the additions and space enhancements being proposed. He stated the roof height is to remain the same and any work will be done with the same supplies/products originally used on the building to make it a seamless update.

Mr. Martin asked if the new bathrooms being built would have any issues with size. Mr. Cutillo explained the size of the bathrooms have been calculated along with the number of toilets, all would be within current plumbing code.

Ms. Berardo called up her final witness, **Mr. Alexander Dougherty with Dougherty Planning & Development LLC located at 54 Main Street Chatham NJ 07928**. Mr. Dougherty was sworn in by Mr. Rabolli, provided his career and educational background and accepted as a professional planner. Mr. Dougherty reviewed the variance relief being requested. He provided the Board with Exhibit A-2, 5 pages of plans showing the zoning areas of Mahwah, immediate area where The Plant Church is located and drone photos of the property.

He explained the applicant is looking to enhance what is currently there with no impairment to the area. Overall, this will be inherently beneficial to the church and neighborhood. He sees no negative impacts with no adverse impacts.

Mr. Calijone wanted to know the thought process to determine it is not safer to have the entrance ways on the other side of the church. Mr. Dougherty stated he is not a Traffic Engineer, but believes changing the entrance to be on 202 would be a detriment to the public. He also stated the church has been there for decades, this not a new construction. Mr. Calijone further stated he believes multiple problems would be addressed with moving the entrance to the opposite end, away from neighbors, and moving the playground to the location closest to the neighbors. Ms. Berardo stated the entire site would need to be reconfigured and redesigned to move the entrance points.

Mr. Martin asked if a circular driveway would be able to work, additionally regarding the sheds, can they be more hidden or condensed. Mr. Dougherty replied stating independent sheds can be hidden more than having one large shed; accessory structures are needed.

Mr. Rabolli asked Ms. Berardo to try and identify a spot or two for the sheds. He stated it may be difficult to change the entrance way because of the potentially historic stone wall that is along the perimeter. Mr. Rabolli also asked Ms. Berardo to check the historical significance of the wall to see if anything would be protected. Mr. Martin stated there was no historical concern per the application which was submitted and reviewed. Ms. Berardo will be looking into the points presented by Mr. Rabolli.

Mr. Rabolli stated the applicant will be carried to the June 21, 2023 meeting to be heard on the parking lot concerns and shed layout. At this meeting, the building additions will be voted on.

A motion was made by Mr. Martin, seconded by Mr. Sitar 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 #1536-23 – THE PLANT CHURCH 125 GLASGOW TERRACE, BLOCK 135, LOTS 1 & 2

Application to install two additions to the building, relocate two existing sheds and reorient, expand and improve on-site parking on an undersized lot that does not meet all requirements for a place of assembly.

Mr. Rabolli provided summary of application and information presented and stated for the record this is a vote to conditionally approve the two minor additions; further

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discussions will continue on June 21, 2023 regarding shed layout and parking lot concerns.

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

VII. ADJOURNMENT:

A motion to adjourn was made by Mr. Martin, seconded by Mr. Sitar. All voted in favor. The meeting adjourned at 10:26 p.m.

These minutes were prepared by Michelle Sheydwasser, Board of Adjustment Recording Secretary. The minutes were provided to the Board of Adjustment on June 2, 2023 for approval at the Regular Meeting to be held on June 7, 2023.