

**TOWNSHIP OF MAHWAH
BOARD OF ADJUSTMENT**

MEETING MINUTES

JUNE 21, 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. 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. Cannava
Mr. Coplin
Mr. Jackson
Mr. Kearney
Mr. Lockwood
Mr. Martin

ABSENT: Mr. Rabolli
Mr. Sitar

ATTORNEY: Mr. Ben R. Cascio, Esq.

PROFESSIONALS: Mr. Nicholas Dickerson, PP, Colliers Engineering & Design
Mr. Michael J. Kelly, PE, Township Engineer
Ms. Geraldine Entrup, Administrative Officer

I. APPROVAL OF BILLS:

Ben Cascio, Esq.	Feb. 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. Martin and seconded by Mr. Kearney.

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

II. APPROVAL OF MINUTES:

1. MINUTES OF SEPTEMBER 22, 2021

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

2. MINUTES OF OCTOBER 20, 2021

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

3. MINUTES OF NOVEMBER 17, 2021

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

4. MINUTES OF JUNE 7, 2023

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

III. MEMORIALIZING RESOLUTIONS:

None to Present.

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 #1478-20 – MONARCH COMMUNITIES
EAST RAMAPO AVE/FRANKLIN TPKE/KING ST/SIDING PL, 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.

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

**2. DOCKET #1544-23 – ANTHONY PETRALIA
21 CHAPEL ROAD, BLOCK 157, LOT 6**

Application for variance relief to permit improved lot coverage to be 35.1% where 30% is the maximum permitted.

Mr. Cascio stated that the Notice was in order.

Mr. Bruce Whitaker, Esq. of McDonnell & Whitaker L.L.C., 245 E. Main Street Ramsey, NJ 07446 representing the Applicant approached. Mr. Whitaker gave a background of the application being heard including the Variances and relief needed.

At this time Mr. Whitaker called his first witness, **Mr. Peter Kirch, P.L.S. with Surtech Surveying Technologies, Inc. located at 43 Spring Street Ramsey NJ 07446, is a Land Surveyor and Planner licensed in the state of New Jersey** approached and was sworn in by Mr. Cascio. Mr. Kirch gave his professional and educational background and was deemed a licensed professional by the Board Members. Mr. Kirch gave information on the property and all setback details. Additionally, he explained the driveway was initially a gravel and grass traveled way which encroached on this property. The newly paved driveway provides better access for those traveling on the driveway and in the event any emergency vehicles are needed, they would have an easier way of travel on a paved driveway and not the grass and gravel pathway it was previously. The increased impervious coverage for the dually utilized driveway with the right of way created the improved lot coverage to exceed the maximum permitted.

Mr. Martin asked how this driveway could have been missed the first time presented to the Township and who will be maintaining the driveway. Mr. Kirch explained it was not initially included as it was just a gravel and grass pathway; not the paved etched out space it is now. Mr. Whitaker explained the neighbors have an informal agreement as to maintaining the driveway as it serves as a right of way to the neighbor's property.

Mr. Kelly explained the applicant originally came for a Soil Application; they are appearing in front of the Board for the first time regarding the property. Referencing his letter dated March 28, 2023, Mr. Kelly stated there were items that needed to be addressed. Mr. Kelly has asked the applicant to address all pending items by August 1st.

Once all items are addressed, the applicant is to call the Township to advise and Mr. Kelly will go out and inspect.

At this time there were no further questions from the Board Members or general public regarding this application.

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

Mr. Jackson called Docket #1536-23 and moved back into the Public Hearing portion of the meeting.

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

Site Plan, Soil Movement and Conditional Use Applications to reorient, expand and improve on-site parking on an undersized lot that does not meet all requirements for a place of assembly.

Mr. Jackson recused himself from The Plant Church application. Mr. Kearney stepped in to Chair the meeting for this application.

Jim Jaworski with The Law Office of Wells, Jaworski & Liebman, LLP located at 12 Route 17 North, Paramus NJ 07653, approached and provided a brief overview of the application being heard as well as background information on the property. Mr. Jaworski confirmed they had reached out to the County as instructed in their prior hearing to discuss the possibility of moving the parking lot entrance; he stated the County declined the suggested plan revision. As a result of the County rejecting the plan, there were no revised plans to provide.

Mr. Daniel LaMothe, P.E. from Lapatka Associates located at 12 Route 17 North Paramus NJ 07653, having been previously sworn in and accepted as a Professional Engineer, approached to provide the Board with copies of email communications with the County (Exhibit A-3) and the proposed plans provided to the County (Exhibit A-5).

Mr. Jaworski stated the applicant is not in favor of changing the traffic pattern of the parking lot to be one way in and one way out. He stated plans as originally presented have more parking spaces which will mitigate people parking on Glasgow Terrace.

Mr. Lockwood asked if there had been any traffic studies done to support the idea of the better traffic flow. Mr. Jaworski stated there had been no traffic studies as more spots will be helping the current situation.

Mr. Kelly stated the town will be paving Glasgow Terrace, and asked would the applicant be willing to mill after the town's paving is done in order for the street to be in line with new work done. Mr. Jaworski confirmed the applicant would be agreeable to that term.

Mr. Dickerson asked about the lighting on the property, will it be conforming to the area. Mr. Jaworski confirmed that all lighting will be conforming and there will be back-shielding installed.

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

Ms. Nancy Amalfitano of 123 Glasgow Terrace, having previously been sworn in approached. She stated she performed her own traffic study and entered into record Exhibit O-1, which was photographs of a parked car along her property line. Ms. Amalfitano explained her main concerns are parking on her property line and having the playground moved. Mr. Jaworski reconfirmed there will be landscaping around the property for buffering, additionally curbs to be installed at the parking spots to prevent cars from parking over the line.

Ms. Maria LaSalvia of 80 Glasgow Terrace, previously sworn in approached to read into record her email to Ms. Geri Entrup. The email dated May 18, 2023 was entered in as Exhibit O-2. Mr. Jaworski stated all points presented in the email were valid points and proposed landscaping for the property will work to enhance it.

Mr. Robert LaSalvia of 80 Glasgow Terrace, approached and was sworn in by Mr. Cascio. His email dated May 19, 2023 addressed to Ms. Geri Entrup was entered in as Exhibit O-3.

Mr. Scott Jackson of 115 Glasgow Terrace approached and was sworn in by Mr. Cascio. Mr. Jackson explained there is a safety concern with all the traffic and parking that occurs on Glasgow Terrace currently. There are many children playing in the area and overflow of cars can pose a threat to safety. Additionally, he wanted to make reference to the proposed incoming shrubs along Route 202, currently the site line at the rock wall is perfect. Any newly planted shrubs should not be higher than the wall as you will not be able to see oncoming traffic. It was confirmed nothing being newly planted will obstruct site line views.

Mr. Jaworski provided his closing statements and reviewed all needed variances. He feels there will be an overall improvement of the site with all proposals.

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

At this time Mr. Kearney called for a recess; meeting reconvened at 9:46 pm.

Mr. Jackson called Docket #1532-22 and moved back into the Public Hearing portion of the meeting.

**4. DOCKET #1532-22 – NYSE GROUP, INC.
1700 MACARTHUR BOULEVARD, BLOCK 139, LOT 4**

The Applicant is seeking Conditional Use Variance relief and Preliminary and Final Site Plan approval from the Township Board of Adjustment to remove the existing 160-foot monopole and equipment enclosure and install 2 180-foot lattice towers with each having microwave dish antennas and a 360 s.f. equipment enclosure.

Mr. Cascio stated that the Notice was in order.

Mr. Jackson resumed the seat of Vice-Chairman.

Mr. Michael Lavigne, Esq with Fox Rothschild, LLP located at 49 Market Street Morristown, NJ 07960, representing the applicant approached. Mr. Lavigne gave an overview of the application and explained his witnesses will be appearing a bit out of order.

Mr. Lavigne called his first witness, **Mr. Jeffrey Gutowsky, PE with WT Group located at 2675 Pratum Avenue Hoffman Estates, IL 60192.** Mr. Gutowsky approached and was sworn in by Mr. Cascio. Mr. Gutowsky provided his educational and professional background and was accepted as a professional in his field. Mr. Gutowsky went over the proposed improvements and explained the site would be going from the one current cell tower to two cell towers. He went into further details describing the dimensions and components of the towers.

Mr. Gutowsky explained there was to be no proposed landscaping. There will be a security fence placed around the west tower, but not around the east tower as this tower is located closely to security. A ladder is required to reach the climbing legs of tower, which is thought to be an additional security buffer.

Mr. Kearney asked if there would be a need for tighten security given their purpose. Mr. Gutowsky explained there is no need for additional security as security is very tight at the location already.

Mr. Lockwood asked why there would only be a fence around the one tower and not both as additional security. Mr. Gutowsky explained the east tower is currently

situated closely to the security, where the west tower would benefit from the fencing. Mr. Lockwood asked about the materials of the towers and the colors that will be used to blend into the background; it was advised more information on that to come with upcoming witnesses.

Mr. Kelly stated the Board should be made aware of the antenna size and materials being used, additionally any inventory of existing towers within 3 miles of this location, FAA and RF reports. All requested information must be provided prior to the next hearing date.

Mr. Jackson stated the applicant will be carried to the July 5, 2023 meeting, no further notice is required.

VI. WORK SESSION:

1. DOCKET #1544-23 – ANTHONY PETRALIA 21 CHAPEL ROAD, BLOCK 157, LOT 6

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

Application for variance relief to permit improved lot coverage to be 35.1% where 30% is the maximum permitted.

Mr. Jackson provided a summary of the application and information heard.

A motion to approve was made by Mr. Martin, seconded by Mr. Kearney. A roll call vote revealed 7 aye votes by Mr. Calijone, Mr. Cannava, Mr. Coplin, Mr. Jackson, Mr. Kearney, Mr. Lockwood and Mr. Martin.

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

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

Site Plan, Soil Movement and Conditional Use Applications to reorient, expand and improve on-site parking on an undersized lot that does not meet all requirements for a place of assembly.

Mr. Kearney provided an overview of the application and all information heard.

A motion to approve was made by Mr. Cannava, seconded by Mr. Coplin. A roll call vote revealed 6 aye votes by Mr. Calijone, Mr. Cannava, Mr. Coplin, Mr. Kearney, Mr. Lockwood and Mr. Martin.

3. CLOSED SESSION:

Mr. Jackson stated the meeting will be moving into a closed session to discuss litigation. The meeting moved out of Closed Session at 11:13 p.m. Litigation regarding the Palisades Properties LLC applicant was discussed by the Board with the Legal Counsel. A Public Hearing will be scheduled on July 19, 2023 and will be noticed accordingly.

VII. ADJOURNMENT:

A motion to adjourn was made by Mr. Kearney, seconded by Mr. Lockwood. All voted in favor. The meeting adjourned at 11:14 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 30, 2023 for approval at the Regular Meeting to be held on July 5, 2023.