

**TOWNSHIP OF MAHWAH
BOARD OF ADJUSTMENT**

MEETING MINUTES

JULY 19, 2023

The combined public/work session meeting of the Board of Adjustment of the Township of Mahwah was called to order at 7:31 p.m. by Mr. Jackson, 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. Kearney
Mr. Cannava	Mr. Lockwood
Mr. Coplin	Mr. Sitar
Mr. Jackson	

ABSENT: Mr. Martin

ATTORNEY: Mr. Ben R. Cascio, Esq.

PROFESSIONALS:

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

NOMINATIONS:

Mr. Cascio opened the nominations for **Chairman**. Mr. Kearney nominated Mr. Jackson as the new Chairman of the Board of Adjustment. The nomination was seconded by Mr. Sitar. There being no other nominations, the Secretary recorded one vote for Mr. Jackson, Chairman. All voted in favor.

Mr. Cascio opened the nominations for **Vice Chairman**. Mr. Kearney nominated Mr. Lockwood as the new Vice Chairman of the Board of Adjustment. The nomination was seconded by Mr. Cannava. There being no other nominations, the Secretary recorded one vote for Mr. Lockwood, Vice Chairman. All voted in favor.

I. APPROVAL OF BILLS:

Ben Cascio, Esq.	June 2023	General Board Matters/Litigation	\$783.75
Ben Cascio, Esq.	June 29, 2023	General Board Matters/Litigation	\$165.00

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 7 aye votes by Mr. Calijone, Mr. Cannava, Mr. Coplin, Mr. Jackson, Mr. Kearney, Mr. Lockwood and Mr. Sitar.

II. APPROVAL OF MINUTES:

1. MINUTES OF JULY 5, 2023

A motion to approve was made by Mr. Cannava, seconded by Mr. Calijone. 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.

Mr. Bob Lockwood resident of 10 Homespun Court Mahwah, NJ 07430 addressed the Board regarding 73 Masconicus Road Mahwah, NJ 07430. Mr. Lockwood stated the applicant for this address came before the Board previously and was denied, however Mr. Lockwood noticed a large structure has been constructed anyway on the property.

Mr. Kelly explained the original application was for two accessory structures which was denied; the applicant returned to the Township with updated plans for one accessory structure and was approved. The plans for one structure being constructed have been reviewed by the applicable Township Departments and approved as presented.

V. PUBLIC HEARING(S):

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

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 a letter dated July 19, 2023 from Mr. Antimo Del Vecchio, attorney for the applicant, into record indicating the Application is being transferred to the Planning Board.

**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 the hearing of this Application is adjourned to September 6, 2023. No further Notice is required.

**3. DOCKET #1542-23 – 10 TUDOR ROSE, LLC
10 TUDOR ROSE TERRACE, BLOCK 21.07, LOT 27**

Application for “C” Variances for the construction of a new single-family home on a vacant lot.

Mr. Jackson read into record the hearing of this Application is adjourned to September 6, 2023. No further Notice is required.

**4. DOCKET #1487-21 (WHISPERING WOODS 2023) PALISADES
PROPERTIES LLC – 316 FOREST ROAD, BLOCK 168, LOT 9**

Whispering Woods Hearing to Consider/Approve a Settlement Agreement & Consider/Grant a D1 Use Variance/Reasonable Accommodation Request to Permit the Operation of a CSLR (Cooperative Sober Living Residence).

Mr. Cascio stated that the Notice was in order.

Mr. Cascio gave a background of the application.

Mr. Edward Purcell, Esq with Price, Meese, Shulman & D'Arminio P.C. located at 50 Tice Boulevard Woodcliff Lake, NJ 07677 representing the Applicant approached. Mr. Purcell gave a background on why they are before the Board and explained the Settlement Agreement which was approved by Town Council.

Mr. Purcell called his first witness, **Mr. Jay Jonas with Palisades Properties LLC located at 1582 John Street Fort Lee, NJ 07024**. Mr. Jonas approached and was sworn in by Mr. Cascio. Mr. Jonas provided a brief background of his professional experience and Palisades Properties, LLC.

Mr. Purcell presented Exhibit A1 to be formally marked into the record, which is the CSLR licenses for the facility. Mr. Jonas explained these homes provide a safe space that help teach coping skills. The environment helps with life skills that the individuals need to get back on their feet. The average stay in these homes range between 60-90 days, with exceptions.

At this time Mr. Purcell presented Exhibit A2 to be formally marked into the record, which is a Survey of the property. Using Exhibit A2 Mr. Jonas provided an overview of the property including the exits, deck, fence and parking. Mr. Jonas explained any resident with a valid drivers license and insurance is able to utilize one of the seven parking spots available at the property. The parking is assigned on a first come first serve basis, when the parking spots are all occupied no other resident has parking available. There will be no commercial vehicles parked on the property or street parking permitted by residents.

Exhibits A3 and A4 were presented by Mr. Purcell, these exhibits are floor plans for each level of the home. Mr. Jonas gave an overview of each level and detailed the layout of the home, outlining sleep arrangements and recreational areas of the home.

Mr. Purcell presented Exhibit A5 which was 2 color photos of the property, which show the front of the home and fenced in rear yard. Mr. Jonas explained there is to be no signage outside the home, or any advertisement for the home.

Mr. Jonas explained there will be a maximum of 9 residents staying at the home. There will be a House Manager living at the home full time. The House Manager oversees the day-to-day activities of the residents, ensures that all chores are done timely and makes sure all rules are being followed. The residents are encouraged to eat together and work together to accomplish all house chores. There is only one room with a lock and that is the House Manager's bedroom.

Township of Mahwah
Board of Adjustment Meeting Minutes
July 19, 2023

Further, Mr. Jonas explained all residents must obey the 10:00 PM curfew in place, any visitors that come must also follow the curfew time. Any visitors are able to use the house parking; this is not typically an issue as not everyone will have a visitor at once and usually, they leave within an hour or so. Residents are drug tested 3 times a week at random.

Mr. Jackson referenced Exhibit A1, asked who Jeffrey McCarthy was as he is the name the license is issued to. Mr. Jonas explained he is the House Manager. Mr. Jackson asked for clarification on the process when someone needs to be removed from the home. Mr. Jonas explained resident is first spoken to regarding their actions and why its important to stay on track. If the resident still does not comply or act accordingly, they are then asked to leave the residence while still being provided treatment at the facility.

Mr. Kearney wanted to know if the House Manager is one single person or if there are shifts that are taken. Mr. Jonas explained it is one single employee that lives at the home regularly, it is not a shift position.

Mr. Calijone asked why criminal/background checks are done on incoming residents. Mr. Jonas explained these background checks are done so they are aware of the person coming into the home. Mr. Purcell explained further on the need for background checks and the purpose they serve.

Mr. Cannava asked how their licenses are kept in good standing. Are there inspections that need to happen? Mr. Jonas explained yes annual inspections are done of the house and the House Manager is also spoken to when the inspections are being completed. Further Mr. Jackson asked what the recourse for not conforming with the regulations set forth. Mr. Jonas explained the state would shut the residence down and perform different investigations.

Mr. Sitar asked if the residents are receiving treatment Monday-Friday. Mr. Jonas explained the residents do receive treatment Monday-Friday and the home is mainly empty during the day time hours as the residents are in treatment at a different facility. Mr. Sitar asked if there have been any issues that would result in the police being called to the property. Mr. Jonas stated the only issue they have had was 4 years ago when they had residents hitting golf balls into their neighbor's property. As a result, all damages were paid for and those involved in the incident were removed from the home.

Mr. Kelly asked if they are required to have yearly fire inspections. Mr. Jonas confirmed yes, they are required to have yearly fire inspections. Mr. Kelly recommends the condition of approval states that the inspections happen yearly.

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

Ms. Martha Steinbach residing at 8 Wanamaker Avenue Mahwah, NJ 07430,

approached. Ms. Steinbach asked what year the house was built and the square footage. Mr. Jonas was not sure at this time on that information. Ms. Steinbach asked what happens to those not able to get parking spaces. Mr. Jonas explained there are no further spots to give after the 7 allotted parking spots; it is worked into the resident's recovery as a form of something to work toward.

Ms. Steinbach asked if the home is empty during the day and what happens if the residents do not complete their chores each day. Mr. Jonas confirmed most of the day the residents are out at treatment so the house is mainly empty. With regards to chores not being done, Mr. Jonas explained there are different levels of consequences for those that are not abiding by the house rules.

Mr. Purcell called his next witness, **Dr. Suzanne Salamanca, Ph.D and provided her business address as 22-08 NJ State Route 208, Suite 2 Fair Lawn, NJ 07410.**

Dr. Salamanca approached and was sworn in by Mr. Cascio. Mr. Purcell presented Exhibit A6, which is Dr. Salamanca's resume which details her professional and educational backgrounds. Dr. Salamanca was accepted as an expert in substance abuse and addiction treatment.

Dr. Salamanca explained in detail the recovery process and common misconceptions of those battling addictions. She went into detail the importance of sober living homes and the role it plays in a successful recovery process. Dr. Salamanca stated it is very crucial for recovery as the environment mimics family living and helps them in readjusting through treatment; even though no treatment is done at the sober living homes it is still very beneficial in the recovery process to be in that type of setting.

Mr. Jackson asked if someone in the home is to relapse are they removed immediately? Mr. Purcell confirmed yes, the house rules state a relapse would result in removal from the house.

Mr. Sitar asked if there is any data to support group home settings are more beneficial to the recovery process? Dr. Salamanca stated there is increasing data to support this living lifestyle helps in the recovery process.

Mr. Coplin asked if single family homes provide a more therapeutic help and if there is a number of residents that provides best results. Dr. Salamanca explained living in a single-family home is more beneficial as it simulates regular life, as if they are getting reacclimated to day-to-day life. Dr. Salamanca stated 10 residents or less is optimal for a successful recovery living.

Mr. Paul Grygiel, AICP, PP with Phillips Preiss located at 70 Hudson Street Hoboken, NJ 07030 approached and was sworn in by Mr. Cascio. Mr. Grygiel provided his license and background details, as a result he was accepted as an expert Planner. Mr. Grygiel gave a background of the property and surrounding area; he confirmed there are no changes to be done to the actual residence. In his opinion this property is beneficial for the good of the public and inherently beneficial to the neighborhood.

Further Mr. Grygiel explained the appearance of the residence from the outside has nothing to make it stand out from other homes in the area. This home is comparable to other homes in the area.

Mr. Cannava had questions with regards to other neighbors who are potentially going to sell their homes, what would this home do for the resale value of their homes. Mr. Grygiel does not have the data to support information on resale however there are plenty of homes that are multi-generational, meaning several people are living in single family homes. There is no way to limit the number of people who reside in a single-family home.

Mr. Cascio read into record some conditions the Applicant has agreed to as part of the Settlement Agreement such as:

- All residents must abide by a certain set curfew hours. Curfew is 10:00PM, 7 days a week.
- Residents will be expected to deep clean the home weekly.
- There will be no on-street parking permitted.

Note: Not all conditions are noted in these minutes. Please reference the Settlement Agreement.

Mr. Purcell provided his closing statements where he discussed the use of the home and how it is inherently beneficial to not only the community but also those going through recovery.

Ms. Martha Steinbach approached to inquire how the fire inspections would work for the home. Mr. Kelly explained the Fire Department has a checklist of items they need to check to make sure the residence is in compliance.

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

VI. WORK SESSION:

**1. DOCKET #1487-21 (WHISPERING WOODS 2023) PALISADES
PROPERTIES LLC – 316 FOREST ROAD, BLOCK 168, LOT 9**

Whispering Woods Hearing to Consider/Approve a Settlement Agreement & Consider/Grant a D1 Use Variance/Reasonable Accommodation Request to Permit the Operation of a CSLR (Cooperative Sober Living Residence).

Mr. Jackson provided a brief background of application and testimony.

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

2. NEW BUSINESS:

Mr. Cannava asked if there was any other information on Monarch Communities, LLC. Mr. Cascio explained there will be an Ordinance revision that will provide further information.

Mr. Lockwood stated there should be changes to the Township Master Plan and felt the Planner should be more proactive regarding changes and updates. Ms. Russell explained if an amendment is needed, then the Board would need to make recommendations. Further conversation followed regarding the updates to the Township Master Plan.

VII. ADJOURNMENT:

A motion to adjourn was made by Mr. Sitar, seconded by Mr. Lockwood. All voted in favor. The meeting adjourned at 9:50 p.m.

These minutes were prepared by Michelle Sheydwasser, Board of Adjustment Recording Secretary. The minutes were provided to the Board of Adjustment on July 28, 2023 for approval at the Regular Meeting to be held on August 2, 2023.