

April 2, 2021

Ms. Geraldine Entrup  
Administrative Officer, Zoning Board  
Township of Mahwah  
475 Corporate Drive  
Mahwah, NJ 07430

Re: Review Letter Tesla Block 136, Lot 5.02 Docket No. 622

Colliers Engineering & Design Project No. MWP-096

Dear Ms. Entrup,

We are in receipt of the above-referenced Amended Site Plan Application with variances and associated documents. We have reviewed the following documents submitted by the Applicant in support of this application:

1. Application Checklist complete 3/22/2021;
2. Development Application dated 2/23/2021;
3. Applicants Disclosure Statement dated 1/13/21;
4. Statement of Taxes Paid, dated 2/10/2021;
5. Historic Preservation Commission Application dated 2/4/2021;
6. Resolution of Prior Approval, Docket No. 1411-16, dated 11/1/2017;
7. Owner's Consent dated 2/4/2021;
8. Site Plan Exemption from Bergen County dated 3/1/2021;
9. Highlands Exemption Determination Application; and
10. Site Plans, prepared by Dewberry Engineers, dated 1/19/2021. Unsigned.

**A. Site Description**

The subject site is located on the southbound side of State Highway Route 17 and is designated as Block 136, Lot 5.02 on the Mahwah Tax Map. The Property is zoned B40 (Highway Business) where Service Stations are a conditional use, and the site is currently is developed with a convenience store and service station in accordance with a prior approval discussed below. South of the site is a hotel, north and west are warehouse uses, and east across Rt. 17 is undeveloped woodland and a service station (also zoned B40).



*Figure 1 – Bing Aerial showing approximate location of the property in red.*



*Figure 2 – Google StreetView of property from Route 17*

## **B. Prior Approvals**

In 2017, QuickChek Corporation received approval of conditional use variances, bulk variances, and Preliminary and Final Site Plan for the service station and convenience store that exists on site today.

Variances and waivers were granted for: minimum distance from school, fence height, parking stall size, parking area edging, parking setback, several variances related to parking and driveway engineering, loading zone location, lighting, buffering, and several variances related to signage.

## **C. Proposed Project**

The Applicant proposes to add eight electric vehicle charging stations to the western side (rear) of the site. Existing stalls will be used, with stall width reduced from 10' to 9', bringing the total number of stalls on site from 63 to 64. Electrical equipment will be added to the site adjacent to the stalls.

Electric Vehicle Charging Stations are a permitted accessory use in the B40 zone, and are regulated by §24-3.6.a.10.

## **D. Variances & Waivers**

The Applicant is requesting relief with respect to the following:

1. Minimum Side Yard: Permitted: 20'; proposed 5'.
2. Minimum Rear Yard: Permitted: 40'; proposed 8.5'.
3. Minimum Parking Stall Size (§ 22-6.2.c.2): Required: 10'x20'; Proposed 9'x18'

The rear and side yard encroachments, are for the mechanical equipment related to the charging stations, which appear to qualify as an accessory structure based on their similarity to generators and HVAC units. (*Accessory use or structure shall mean use or structure subordinate to the principal use of a building or structure on the same zone lot and serving a purpose customarily incidental to the principal use of the principal building. Examples of accessory structures shall include, but not be limited to, a detached garage, shed, in-ground or above ground pools, pool equipment, pool cabana, gazebo, decorative fountains, children's play structures, tree houses, sports courts, residential decks, pavilion, pergola, solar powered structures, **generators and HVAC units.***) Therefore, in accordance with §24-3.6.c (Accessory Structures in Other Districts), side and rear yard setback requirements are 5', and therefore the side and rear yard variances requested by the Applicant may not be necessary. The non-conforming parking stall size is a waiver rather than a variance.

## **E. General Comments**

1. Sheet Z-2 of plans indicates 200' list of property owners is TBD. The potential elimination of the variances aside, as submitted this application required variances and notice, so this information should be provided.
2. No changes to existing signage are proposed. If this is not the intention, revised sign plans must be provided.
3. Some landscaping has been eliminated where the mechanical units will be installed – most significant being a red maple tree. Can new landscaping be installed on site to compensate for the loss?

We reserve the right to make additional comments based upon further review or testimony presented before the Board. Should you have any questions on this correspondence please do not hesitate to contact me.

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Engineering  
& Design

Sincerely,

Colliers Engineering & Design

A handwritten signature in blue ink, appearing to read "Debbie Alaimo Lawlor".

Debbie Alaimo Lawlor  
Discipline Leader

DAL/kjr

cc: Mary Jo Wood, Recording Secretary ([mwood@mahwahtwp.org](mailto:mwood@mahwahtwp.org))  
Michael J. Kelly, Township Engineer ([mkelly@boswellengineering.com](mailto:mkelly@boswellengineering.com))  
Jason Tuvel, Esq., Applicant's Attorney ([jason@primelaw.com](mailto:jason@primelaw.com))  
David Revette, PE, Applicant's Engineer

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