

V. PUBLIC HEARINGS:

**A. DKT.#1388-15 – ROBERT PURCELL
122 MALCOLM ROAD, BLOCK 105, LOT 16**

Application for a C Variance to add a single-car garage within the side-yard setback.

Mr. Purcell, 122 Malcolm Road, approached and was sworn in by Mr. Rabolli. Mr. Purcell would like to add a second garage to the existing home with a three-foot (3) side-yard setback where ten (10) feet is required. He mentioned several homes in the area have two garages. Color photos that were submitted with the application were marked as Exhibit A-1, photo of the front of the house and Exhibit A-2, photo taken from the home looking at the neighbor. Mr. Purcell described the photos and indicated he has spoken to his neighbor about the proposed application.

Mr. Montroy questioned the reason for the wide width of the garage doors as garages are generally 10 feet x 18 feet. He stated there may be an issue with the Building Code as anything within five (5) feet of the property line dictates how the structure can be built. Mr. Purcell indicated he prefers a wider garage and doors. Mr. Montroy is the former Construction Code Official and described the building code and fire ratings. If a building is constructed within five (5) feet of a property line, the walls and roof of the building must have a one-hour fire rating assembly. A detailed discussion ensued on the building code, the fire ratings, proper construction materials and the setbacks.

Ms. Midge Koenig, of 132 Malcolm Road approached. Ms. Koenig is a neighbor and questioned drainage and indicated not all homes on the street have two garages.

There were no further questions from the Board or the Public for Mr. Purcell.

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

VI. WORK SESSION:

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Mr. Montroy stated there are two issues with the application if the garage is built with a three-foot (3) setback: (1) due to the building code, the construction permit application would be rejected and he may need to come back to the Board with another application wasting time and money and (2) due to the type of construction needed, the neighbor would be looking at an all masonry/concrete wall. Mr. Montroy suggested a compromise and making the setback 5'1" (five feet, one inch) so the applicant could build the garage without the requirements imposed by the one-hour fire rating assembly. This would

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make the addition smaller; however, it would eliminate any building code compliance issues.

A motion to approve, with the condition of the side-yard setback being 5'1" (five feet, one inch), was made by Mr. Montroy, seconded by Mr. Ervin. A roll call vote revealed 5 aye votes by Mr. Ervin, Mr. Kezmarsky, Mr. Montroy, Mr. Rabolli and Mr. Straffin.

VII. ADJOURNMENT:

The meeting adjourned at 7:54 pm on a motion by Mr. Montroy, seconded by Mr. Kezmarsky.