



**B. MINUTES OF FEBRUARY 21, 2018**

A motion to approve was made by Mr. Whiteman, seconded by Mr. Montroy. All eligible members voted in favor.

**III. MEMORIALIZING RESOLUTIONS**

**1. DOCKET #1433-18 – JOHN CHEMAN  
76 STAG HILL ROAD, BLOCK 2, LOT 62**

Resolution granting approval to build a two-story single-family home with a detached garage on a lot that does not have frontage on an approved street and for a side-yard setback variance.

A motion to approve was made by Mr. Whiteman, seconded by Mr. Montroy. A roll call vote revealed 5 aye votes by Mr. Almeda, Mr. Montroy, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

**2. DOCKET #1434-18 – VINCENT LABARBIERA  
31 CROCKER MANSION DRIVE, BLOCK 21.02, Lot 7**

Resolution granting approval of a Lot Coverage Variance to construct a 204.5 square foot addition with basement access, resulting in lot coverage of 34.7% where 30% is permitted.

A motion to approve was made by Mr. Montroy, seconded by Mr. Straffin. A roll call vote revealed 6 aye votes by Mr. Almeda, Mr. Dator, Mr. Montroy, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

**3. DOCKET #1435-18 – JEAN-CLAUDE ALDON  
273 MILLER ROAD, BLOCK 78, LOT 25**

Resolution, with conditions, granting confirmation and approval of a Bulk Variance for the pre-existing non-conforming conditions of the property; Variance approval of 4.27% lot coverage where 15% is required, Variance approval for 11.58% improved lot coverage where 30% is required, Variance approval of 7.7 foot front-yard setback where 40 feet is required and Variance approval for a 5 foot combined side-yard setback where 60 feet is required.

A motion to approve was made by Mr. Montroy, seconded by Mr. Straffin. A roll call vote revealed 7 aye votes by Mr. Almeda, Mr. Dator, Mr. Larson, Mr. Montroy, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

**IV. OPEN TO THE PUBLIC:**

Mr. Rabolli opened the meeting to the Public for general questions or statements. None were received.

**V. PUBLIC HEARING(S):**

**1. DOCKET #1436-18 - FRANK & JILL CHICHERCHIA  
91 BRIDLE PATH LANE, BLOCK 1, LOT 114**

Application for “C” Variances (side-yard and combined side-yard setbacks) to permit the recently constructed garage to be enlarged and attached to the existing single-family home.

Mr. Bruce Whitaker, Esq. of Mc Donnell & Whitaker approached on behalf of the Applicants. He stated that 91 Bridle Path Lane is located in the Polo Club in the R-80 Zone. The Applicants are the residents. The lot exceeds the minimum bulk requirement, having 89,999 square feet where 80,000 is permitted. Mr. Cascio stated that he had received the notice from Mr. Whitaker and found it to be in order. Mr. Whitaker continued that the property depth is unusually long; 452 feet where 300 feet is required. The house currently has a 122.8 feet front-yard setback which is a very long, deep front yard, instead of having a 60 foot setback from the street. Mr. Whitaker commented that he believes this is one of the reasons to substantiate the variance relief being sought. The Applicant has a need for additional space to keep vintage cars, a boat, off-road vehicles, etc. Rather than storing them in the yard, the Applicant would like to construct a garage to the side of the house. As an accessory structure, it would meet the setback requirements. However, when you look at the proposed location, if made an accessory structure it would have to be detached from the house. The garage is 57 feet. The depth of the property is 452 feet. Being further back in the yard, there is no infringement to the house next door. Mr. Whitaker gave further detail of the variance request.

Mr. Frank Chicherchia, homeowner of 91 Bridle Path Lane was called as the first witness and sworn in by Mr. Rabolli. Mr. Chicherchia stated that he has owned the home since October of 2017. His family consists of himself, his wife and three children for a total of five drivers. The current garage houses only three vehicles. Mr. Chicherchia stated that he owns classic convertible vehicles that are used in parades as well as recreational vehicles such as quads and jet skis that should be stored indoors rather than outside on the property. Mr. Whitaker asked Mr. Chicherchia to confirm that the new construction would be used as a garage only; no plumbing, no mechanical work, no living space. Mr. Chicherchia confirmed that is correct. Mr. Whitaker stated that a Deed Restriction, stating that the use would be for storage only, could be done.

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The following photos were presented, marked and entered into evidence:

Exhibit A-1	Front facade of the house
Exhibit A-2	Classic Corvette
Exhibit A-3	Patio, rear of house with table; garage will be physically attached
Exhibit A-4	The garage under construction; the wall above the patio

Mr. Montroy questioned the access to the garage. Mr. Whitaker replied that you would have to go outside of the house to enter.

Exhibit A-5	February 9, 2018 E-mail from neighbor; Mr. Bruce Pitot of 83 Bridle Path Lan
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Mr. Whitaker stated that the plans had already been approved by the Polo Club and that he had met with the neighbor on the right, Mr. Pitot, and Mr. Pitot accepted the landscaping plans. Mr. Rabolli read the e-mail from Patricia Pitot's e-mail by Bruce into the record.

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

Mr. A. David Hals, P.E., L.S., P.P. of Schwanewede Hals Engineering, 9 Post Road, Suite M11, Oakland, NJ 07436 approached and was accepted as a Licensed Civil Engineer in the State of New Jersey since 1984. Mr. Whitaker stated that Mr. Hals is a Surveyor, Engineer and Planner, and a Municipal Engineer in many towns and has been accepted as an expert witness.

Mr. Hals stated that he had reviewed the site and offered, marked and entered the following photos into evidence:

Exhibit A-6	March 20, 2018 Photos of the existing and proposed construction (7 photographs)
Exhibit A-7	The plan submitted on January 26, 2018 was displayed on the poster board.

Mr. Hals explained, from an Engineering aspect, what is existing and what is proposed. The property is located on the West side of Bridle Path Lane in the R-80 Zone, improved with a single-family home and a driveway. The property is lower in elevation, sloping up to the front of the house which is approximately 120 feet back from the roadway and slopes approximately 8 to 10 feet in elevation to the house. The rear of the

property is very deeply sloped. The property is conforming with the R-80 Zone requirements in terms of lot size. The house is 7.3% lot coverage. Mr. Hals referenced the photos and stated that the proposal is to construct an addition to the garage, bringing it forward and attaching it to the house. Further detailed discussion took place regarding the wall between the house and the garage. Mr. Hals explained each photo from Exhibit A-6. Numbers 5 and 6 relate to views of the neighbor's home and the existing vegetation buffers. The garage will not be visible from the street as it is captured by the front line of the house. The neighbor will only be able to see the roof line of the house during the winter. Mr. Whitaker referred to the aerial photo and asked if it further substantiated the differences in front-yard setback depth from Bridle Path. Mr. Hals replied that it gives a nice aerial view of the properties and the relationship between the two houses.

Mr. Whitaker asked if an analysis was done as it pertains to the Applicant's proposal. Mr. Hals replied yes; two variances will be required. The garage being attached to the house becomes part of the principal structure. In doing so, the garage will now require a setback of 40 feet where 20.6 is proposed. It would cause a non-conforming setback to the North of the property. The combined side-yard setback for the overall property is required to have 80 feet, and by adding the garage to the home, it creates a combined side-yard setback of 65.09 feet. The home itself would be fully conforming in terms of lot coverage; maximum in the R-80 Zone is 10% where 7.3% is existing. The proposed building coverage would be 8.1% with the addition. Mr. Whitaker stated that if the garage was not physically attached to the home, it would not require a side-yard setback variance. Mr. Hals confirmed that it would be conforming. Mr. Whitaker asked, from a Planning aspect, if the garage would be better suited as an attachment or freestanding structure. Mr. Hals replied that there would be substantial slope disturbance and after looking at other options and finding other issues, the best location would be to the front of the current garage, then attached to the house. Mr. Whitaker asked if there would be any impact on the neighboring property. Mr. Hals replied that the landscape buffers the view with no detriment to the neighbor. Mr. Whitaker asked if the plan has a positive aspect. Mr. Hals replied yes, by removing the visibility of the vehicles, storing them inside, cleaning up the clutter in the yard and driveway. Topographically there is a classic C1 Variance issue in the back of the property. Secondly, regarding the C1 Variance, is the location of the existing house and the location of the garage where the addition is being constructed. The locations cannot be altered, so it is restricted. For the C2 Variance criteria, there is an existing landscaping buffer along the property, plus the additional landscaping along the North property line that will make a substantial improvement to the property in terms of mitigating any affects of adding the addition to the garage as well as the vehicles being stored indoors rather than in the driveway. Mr. Montroy asked how far apart the new garage would be from the windows on the house. Mr. Hals replied about 7 ½ feet. Mr. Montroy asked about the design of the retaining wall and if it was capable of taking the framing on the garage. Mr. Hals replied that being designed as a retaining wall it was designed to handle the framing vs. being

designed as a garage wall which would have been a much narrower wall with a smaller fitting. Mr. Cascio asked if there will be no direct access from the garage, why connect it? Mr. Whitaker replied aesthetically; to have the alleyway down into the garage would have been a drop off to the patio. Mr. Hals commented that it would be a physical problem because you have a walk out from the basement and would have to fill it in. Mr. Cascio asked for the size and measurements of the existing and proposed garage and combined measurements of both including the height. Mr. Hals replied; existing is 29.6 feet x 32 feet; 944 square feet. The addition is 29.6 feet x 25.4 feet; 747 square feet. The height is 15.95 feet on both.

A motion was made by Mr. Montroy, seconded by Mr. Dator to close the Public Hearing portion of the meeting and move into Work Session for this docket. All voted in favor.

Mr. Rabolli called Docket #1437-18 and moved back into the Public Hearing portion of the meeting.

**2. DOCKET #1437-18 – GEIGER ROAD CONSTRUCTION, LLC  
PINE HILL ROAD, BLOCK 11, LOTS 5 & 6**

Application for “C” Variances and Soil Movement Permit for a single-family home to be constructed on a street which is not approved or improved as well as variances for lot area, lot width and lot frontage and a waiver for slopes.

Mr. Cascio stated that he had reviewed the notice and it is in order.

Mr. Bruce Whitaker, Esq. of Mc Donnell & Whitaker approached on behalf of the Applicant, Mr. Richard Marchesi. Mr. Whitaker stated that the property is located in the R-40 Zone and that the Applicant is proposing to construct a single-family home on a vacant lot. The Applicant is seeking variance relief due to the lot having 27,572 square feet where 40,000 square feet is required. Many of the lots in the area have deficiencies in the lot width. In this instance the lot width is 113 feet where 150 feet is required and the lot frontage is 138.98 feet where 150 feet is required. Although the lot is deficient, the home is very modest in nature with a footprint of 1,650 square feet with overall lot coverage of 5.98% where 15% is permitted. The overall improvements will be 12.95% where 30% is permitted. As the road is not approved or improved to Township standards, the Applicant is seeking permission to construct the home.

Mr. Robert Weissman, Owner of Weissman Engineering Company, 686 Godwin Avenue, Midland Park, NJ was sworn in by Mr. Rabolli as a Licensed Engineer in the State of New Jersey, qualified by this Board and many other Municipal Boards in New Jersey as an expert witness. Mr. Whitaker questioned Mr. Weissman regarding his visit to the site and the preparation of the application and plans. The plans are dated February 15, 2018;

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revised thru March 26, 2018. The revisions are in response to comments received from Boswell Engineering. Mr. Weissman gave an overview of the existing conditions and what is being proposed. Mr. Weissman stated that the existing vacant lot is an extension of Pine Hill Road; the property is located North of the improved portion of Pine Hill Road where it intersects Maple Road. Mr. Weissman commented that he was impressed by the area on Pine Hill Road from Maple Road to the South which is all approved with decent sized homes and the roads are in good shape. The roads are almost fully improved to Township standards. An extension from the intersection of Maple Road to the subject property, approximately 200 feet of a driveway extension through the Township right-of-way, is required to access the property. The property slopes from the road to where the house will be built on a relatively flat area. Excavation test holes have been done and witnessed by the Township Board of Health Sanitarian and conceptually approved for septic suitability.

Mr. Weissman continued that the actual lot width and frontage footage are slightly deficient of the requirements as previously stated by Mr. Whitaker. The pre-existing non-conformities will not be exacerbated or affected by the proposed construction. The remainder of the proposed construction will be in total conformance with the setbacks, the coverages, and the height will be in conformance with the Township requirements. Soil Movement approval is being requested; 445 cubic yards, fill 564 cubic yards and 119 cubic yards to be imported. Mr. Weissman stated that other items in Mr. Kelly's Boswell letter of April 16, 2018 would be complied with. He also stated that no trees would be removed from the portion of the driveway on Pine Hill Road within the right-of-way. Mr. Whitaker asked Mr. Weissman to confirm that the Application was being amended to show that the lot width is 127.22 where 150 is required and the lot area sought is 27,572 where 40,000 square feet is required. Mr. Weissman confirmed. Mr. Whitaker reiterated that although the lot is substandard in width, they are not seeking bulk requirements as it pertains to improved lot coverage, building coverage or front, rear, or side-yard setbacks. Mr. Weissman confirmed. Mr. Whitaker asked about the safe passage for emergency vehicles to access the site. Mr. Weissman replied that there will be an approximate 100-foot extension from Pine Hill Road to access the lot. Mr. Montroy asked how wide the extension would be. Mr. Weissman replied 12 feet. Mr. Montroy stated that it had to be at least 18 feet for ladder fire truck access. Mr. Weissman responded that there is enough coverage to accommodate and widen it to 18 feet.

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

A motion was made by Mr. Montroy, seconded by Mr. Dator to close the Public Hearing portion of the meeting and move into Work Session for this docket. All voted in favor.

**VII. WORK SESSION:**

**1. DOCKET #1436-18 - FRANK & JILL CHICHERCHIA  
91 BRIDLE PATH LANE, BLOCK 1, LOT 114**

Application for “C” Variances (side-yard and combined side-yard setbacks) to permit the recently constructed garage to be enlarged and attached to the existing single-family home.

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

Mr. Rabolli summarized the discussion and stated that the Applicant is seeking a “C” Variance for an addition to an under construction garage, the issue being that it is going to touch the existing home and therefore goes from being an accessory structure to being a primary structure causing a shortage on the side-yard easement setback. The hardship demonstrated is due to the topography of the property where the garage could not be placed in the back. The positive criteria is that the aesthetics have been improved by having the garage contiguous to the house and removing the clutter of the vehicles from outside to inside. Having the garage touch the house will also eliminate the potential gap that could cause problems. Mr. Rabolli stated that the Applicant provided an e-mail from the neighbor stating that he had no issue with the addition or the proposed landscaping.

A motion to approve was made by Mr. Dator, seconded by Mr. Montroy. A roll call vote revealed 7 aye votes by Mr. Almeda, Mr. Dator, Mr. Larson, Mr. Montroy, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

**2. DOCKET #1437-18 – GEIGER ROAD CONSTRUCTION, LLC  
PINE HILL ROAD, BLOCK 11, LOTS 5 & 6**

Application for “C” Variances and Soil Movement Permit for a single family home to be constructed on a street which is not approved or improved as well as Variances for lot area, lot width and lot frontage and a waiver for slopes.

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

Mr. Rabolli summarized the discussion and stated that in most scenarios there is an existing home where they have to demonstrate some type of hardship as to why a variance is being requested. In this case, there is an undeveloped piece of land and the standards are different. If a variance is not given, the Applicant cannot build and we would be zoning the property to Disutility and the Law of Forfeiture. The Applicant owns the property, pays taxes on the property, but would not be able to use the property. With regard to the approved and unapproved road it is the same. The Applicant has to

demonstrate that it can be done in a safe manner. The Applicant will be able to meet that by widening the road.

A motion to approve was made by Mr. Montroy, seconded by Mr. Whiteman. A roll call vote revealed 7 aye votes by Mr. Almeda, Mr. Dator, Mr. Larson, Mr. Montroy, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

Mr. Dator gave thanks to Ms. Geri Entrup, Administrative Officer, for the informational memorandum which summarizes the meeting agenda and commented that it is very beneficial.

Ms. Entrup reminded the Board Members that the Financial Disclosure Statement Information from the Clerk's Office needs to be completed by April 30, 2018.

**VII. ADJOURNMENT:**

A motion to go out of Work Session and to adjourn was made by Mr. Montroy, seconded by Mr. Whiteman. All voted in favor.

The meeting adjourned at 8:38 pm.

These minutes were prepared by Sylvia Gerou, Zoning Board Recording Secretary. The minutes were provided to the Board of Adjustment on June 21, 2018 for approval at the Regular Meeting to be held on July 18, 2018.