

**TOWNSHIP OF MAHWAH
BOARD OF ADJUSTMENT**

MINUTES

APRIL 19, 2017

The combined public/work session meeting of the Board of Adjustment held at the Municipal Building, 475 Corporate Drive, Mahwah, NJ, beginning at 7:32 pm was called to order by Mr. Dator, Vice-Chairman, with the reading of the opening statement followed by the flag salute.

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. Almeda Mr. Larson
Mr. Dator Mr. Straffin
Mr. Kearney (in at 7:45 pm) Mr. Whiteman

Mr. M. Kelly, PE
Ms. E. Banyra, PP

ABSENT: Mr. DeSilva Mr. Rabolli
Mr. Montroy

ATTORNEY: Mr. Ben R. Cascio, Esq.

I. APPROVAL OF BILLS:

None to present.

II. APPROVAL OF MINUTES:

None to present

III. MEMORIALIZING RESOLUTIONS:

**A. DKT.#1383-14A – NEW CONCEPTS FOR LIVING, INC.
16 MOUNTAIN AVENUE, BLOCK 47, LOT 18**

Resolution granting lot coverage variance to construct a sidewalk addition to the side of the existing residence.

A motion to approve was made by Mr. Straffin, seconded by Mr. Dator. A roll call vote revealed 2 aye votes by Mr. Dator and Mr. Straffin.

**B. DKT.#1417-17 – NEW CONCEPTS FOR LIVING, INC.
105 CHURCH STREET, BLOCK 56, LOT 3**

Resolution granting lot coverage variance to construct a sidewalk addition to the side of the existing residence.

A motion to approve was made by Mr. Straffin, seconded by Mr. Dator. A roll call vote revealed 2 aye votes by Mr. Dator and Mr. Straffin.

IV. OPEN TO THE PUBLIC:

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

V. PUBLIC HEARINGS:

**A. DKT.#1418-17 – WJA ASSOCIATES, LLC
185 ROUTE 17 AND 40 AVENUE A, BLOCK 53, LOTS 18, 19, 20 AND 21**

Application requesting a Use Variance, Preliminary and Final Site Plan and Minor Subdivision for a residential use in a B-40 Zone, the addition of an elevator to an existing commercial building, the subdivision of a portion of Lot 18 to be utilized as a parking lot and parking lot improvements on Lots 19, 20 and 21.

Mr. Bruce Whitaker, Esq., of McDonnell & Whitaker, LLC, approached on behalf of the Applicant. Mr. Cascio indicated all notices were in order.

At this time, Ms. Entrup, Recording Secretary, recused herself and Mr. Kelly took over recording the hearing.

Mr. Whitaker presented an overview of the application as noted in the Statement of Facts submitted with the application. The Applicant is proposing to construct an elevator in the existing commercial building and subdivide Lot 18 to provide additional parking. A one-story single-family dwelling unit currently exists on Lot 18. Mr. Whitaker mentioned several pre-existing non-conformities such as lot area, lot depth, front-yard setback and side-yard setback. Reducing the size of Lot 18 creates an expansion of a non-conforming use in the B-40 Zone. Mr. Whitaker noted that although Lot 18 is in a B-40 Zone, the lot itself has more attributes of an R-11 property. Requirements for the R-11 Zone were provided on the plan for comparison purposes.

Mr. Whitaker called Mr. William Alexander, who was sworn in by Mr. Dator. Mr. Alexander is the owner of the property and sole principal of WJA Associates, LLC. He has been in business for over 55 years. Mr. Alexander described the existing commercial building and the current occupants indicating the building is 2/3 warehouse and 1/3 office space. There is a loading door for the warehouse. Additional parking is required to satisfy the needs of the current and future tenants. The existing home on Lot 18 is occupied by an elderly couple. A fence and landscaping are proposed to separate the

commercial and the residential uses on the properties. Hours of operation for Mr. Alexander's business were noted as Monday – Friday, 8:00 am – 5:00/6:00 pm with the potential for some Saturday hours. He has eight (8) employees. The upstairs tenant hours of operation are Monday – Friday, 9:00 am – 5:00 pm with nine (9) employees.

Mr. Kelly questioned the storage of boats on the property. The boats are owned by Mr. Alexander. He indicated the larger boat is no longer on the property. Mr. Kelly stated outdoor storage is not permitted. Mr. Alexander will have the smaller boat removed. Delivery times, removal of refuse from the facility, the location of the dumpster and the installation of a flag pole were discussed.

Ms. Banyra questioned the staining of the facade of the building and signage. Mr. Alexander stated the cleaning up of the façade can be taken into consideration and no additional signage is proposed.

Ms. Catherine Walter, of 35 Avenue A, Mahwah approached. Ms. Walter questioned a stationary box truck parked on the Avenue A side of the building, which is presumed to be for storage and a loading area using a door on the side of the building. Mr. Alexander will speak to the tenant. As Ms. Walter continued questioning, it was suggested she hold her questions at this time as several questions will be answered by the testimony of the Applicant's Engineer.

Mr. Whitaker called Mr. Thomas Skrable, of 65 Ramapo Valley Road, Mahwah, who was sworn in by Mr. Cascio. Mr. Skrable was accepted as an expert Civil Engineer. Mr. Skrable described the Site Plan, which was marked as Exhibit A-1 and the SCSE Plan, which was marked as Exhibit A-2, noting the existing conditions, lot areas and setbacks. Neither lot currently conforms to the requirements of the B-40 Zone. The commercial lot fronts Route 17 and the residential lot fronts Avenue A. The building size was described including the proposed elevator addition. Existing and proposed parking was noted. The new portion of the parking lot, which will be located on the rear of the residential lot, will have 26 parking spots. A total of 42 parking spaces are required and 47 are proposed. Aisle widths were noted. Specific parking in the rear can be stipulated for employee parking only. Ingress and egress to the commercial site were described. Mr. Skrable explained the topographic conditions and drainage. Referring to Boswell Engineering's report dated April 12, 2017 regarding drainage, Mr. Skrable indicated all comments can be complied with.

Mr. Skrable continued describing the proposed landscaping, lighting, retaining wall and guardrail. Mr. Kearney questioned headlights shining on the neighbor's home, to which Mr. Whitaker and Mr. Skrable indicated the lights can be shielded by the proposed arborvitae trees and/or a fence. There was a discussion on what would be most appropriate for buffering dependent upon the Board's and the Public's suggestions and recommendations. Mr. Kearny is concerned with changing the parking, changing the residential buffer and questioned whether there will be an increase or decrease in the privacy for the existing residents in the area.

Mr. Skrable described the requested variances for both properties. There are two uses on the lots and the residential use is not permitted in the zone. Mr. Whitaker referred to Boswell Engineering's April 12, 2017 letter. Specific paragraphs were cited and will be complied with (Items #18 – 24, 28 – 32).

Mr. Whitaker spoke to several residents before the meeting and one of the concerns was utilizing Avenue A for construction access to the site. Mr. Skrable stated access via Route 17 will be utilized during construction.

Mr. Kelly noted several variances and waivers, including the front-yard setback for the single-family home, and the waivers listed in the Boswell Engineering Report dated April 12, 2017, Item #10, items a-j as follows:

- a. Structures Within 200 Feet
- b. 500 Foot Drainage Map
- c. Minimum Parking Setback to Side or Rear Lot Line
- d. Front Yard Parking Setback
- e. Minimum Aisle Width
- f. Minimum Parking Space Size
- g. Distance of Driveway from Ramp
- h. Loading Area
- i. Buffers
- j. Sidewalks

Mr. Kelly asked that directional striping be included on the revised plans. Ingress and egress were discussed and there being one way into the site and one way out with appropriate striping. The area around the elevator and handicapped spots will be revisited and possibly reconfigured. Mr. Kelly stated a Soil Movement Permit Application will be required to be submitted. Mr. Kelly asked that the property line be staked out before construction and that the Applicant meet with the neighbors for proper access to construct the retaining wall. He also asked that the proposed landscaping and dumpster location be depicted on the revised plans.

Ms. Banyra questioned landscaping, doors for the elevator and handicap spaces. Mr. Skrable indicated he would like to hear comments from the Public regarding the landscaping or fencing for the buffer. Upon questioning by Ms. Banyra, Mr. Skrable confirmed construction access will be from Route 17 and not Avenue A. Further clarification was made to confirm there is common ownership for the commercial lot and the residential lot and the lots are separate by deed.

Upon questioning by Mr. Dator, there was a short discussion on the commercial lots and the lots in the area that are zoned commercial but contain residential homes.

Ms. Catherine Walter, of 35 Avenue A, Mahwah approached. She questioned if there was a way to make a condition that the residential home not be torn down in the future. Mr. Dator stated this could not be guaranteed legally. When Ms. Walter asked if the zone for the lots that have residential dwellings on them can be changed to a residential zone,

it was indicated the Board of Adjustment does not have that jurisdiction. This would be a request for the Planning Board and the Township Council.

Ms. Banyra recommends that the garbage dumpster be screened and/or enclosed and moved as far north and west, away from the existing residential homes.

Ms. Kailash, of 38 Avenue A, Mahwah approached. She questioned the buffering as her property is adjacent to the proposed parking lot. Ms. Banyra interjected and suggested that the Applicant meet with the neighbors prior to the next meeting regarding the landscaping and fencing.

There were no further questions from the Board or the Public at this time.

After a brief discussion, Mr. Dator announced the WJA application is carried to the May 3, 2017 meeting. New plans are to be submitted by Friday April 21, 2017. No further notice is required.

Mr. Dator called a recess at 9:06 pm.

The meeting reconvened at 9:15 pm.

Ms. Entrup returned to the dais.

**B. DKT.#1411-16 – QUICKCHEK CORPORATION
280-290 STATE HIGHWAY 17 SOUTH, BLOCK 136, LOTS 5.01 & 5.02**

Application requesting Preliminary and Final Site Plan approval as well as conditional use, bulk and sign variance relief.

Mr. Peter McArthur of Azrak & Associates, LLC approached on behalf of the Applicant.

Mr. Dator announced that the following signed certifications were received for this application:

Mr. J. Larson	April 5, 2017 Meeting Certification
Mr. W. Whiteman	April 5, 2017 Meeting Certification

Mr. McArthur called Mr. Keith Cahill of Bohler Engineering. Mr. Cahill was sworn in by Mr. Dator. After presenting his credentials, Mr. Cahill was accepted as an expert in civil engineering.

Mr. Cahill presented an Aerial photograph which was marked as Exhibit A-12 dated January 6, 2017 on a poster board as well as shown on the television monitor. Mr. Cahill described the area in detail. A colorized copy of the Site Plan, Sheet 4 of 19, last revision date of March 21, 2017, was presented on poster board and marked as Exhibit A-13. The site is in the Highlands Planning Area. Highlands Consistency Determination approval has been received. Mr. Cahill described the ‘pink’ area on the exhibit as pervious

pavement and addressed parking. A color rendering of Sheets 18 and 19 of the plans entitled "WB-50 Truck Turning Exhibit" last revision date of November 9, 2016 was presented on poster board and marked as Exhibit A-14. Truck flow and deliveries were discussed. The layout of the site is that of a typical QuickChek facility. Utilities to the site would be available from the Route 17 frontage. The pump tank facilities including the underground dispensers and underground storage tanks were described. Monitoring and overspill protection were mentioned.

Mr. Cahill described the proposed storm water management system, rain gardens, drainage, and water quality aspects. Mr. Cahill commented that the Highlands Commission performed an extensive review of the storm water management system. The grading will direct storm water towards the front of the facility into an inlet collection system and underground detention basin. It will also pass through a water quality device with an oil-water separator.

The proposed lighting for the site was described in detail. LED fixtures are proposed that shine straight down and are flush mounted. The maximum average lighting waiver was mentioned. Mr. Cahill noted the adjacent properties are all commercial; there are no residential lots in the area. The site is situated lower than the surrounding properties. He does not believe the proposed lighting levels have any negative impact in providing safe lighting for circulation on-site and fuel dispensing. Mr. Cahill continued mentioning additional waivers being requested in regards to lighting intensity.

The trash enclosure, shed, landscaping, retaining walls were described. A tree removal and replacement plan will be prepared and submitted to be reviewed by the Township's Environmental Commission.

Two additional exhibits were introduced and marked as follows:

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| Exhibit A-15 | Color Photo Rendering Looking to the West, prepared Baradesco Studios |
| Exhibit A-16 | Color Photo Rendering from the Southeast Looking to the Northeast, prepared by Baradesco Studios |

Both exhibits were described in detail. Exhibit A-15 is a 3D model of the proposed gas station and store. The exhibits depict the building, the canopy, the freestanding ID sign, the retaining wall, fence and landscaping. A variance for maximum area is being requested for the freestanding ID sign. Upon questioning by Mr. Kelly regarding site distances, Mr. Cahill described the driveway area and prior discussions with the NJ DOT regarding the deceleration lane for Corporate Drive.

Truck traffic flow was pointed out. Low Flow diesel dispensers are being proposed to target the diesel pickup trucks; not tractor trailers. QuickChek is not known for servicing tractor trailers. Tractor trailers will be able to circulate the site; however, they will not be fueling there. Mr. Whiteman questioned vehicles queuing onto Route 17. Mr. Cahill responded there will be outdoor attendants monitoring the area and signs can be posted. Tractor trailers queuing and parking on the shoulder was questioned by Mr. Kelly and the

potential of there being issues for the Township as well as the Applicant. Enforcement and signage were discussed in detail. Mr. Cahill mentioned QuickChek's security of internal and external cameras providing video surveillance that hold digital recordings up to 30 days. Mr. Kelly asked if the Applicant would be agreeable to a condition of approval to install, if necessary, cameras to help prevent trucks from parking and queuing on Route 17. Mr. McArthur indicated Mr. Albanese agreed on behalf of QuickChek.

Mr. Gary Ascolese, of Boswell Engineering, questioned tractor trailers turning into the facility. Distances from the curb, the driveway, the shoulder and the curb islands were discussed. Mr. Ascolese questioned the proposed LED lighting indicating he has heard feedback from many other towns he represents concerning the LED lighting of 4,000K being too intense and could potentially disrupt sleep patterns for customers at the hotel. Mr. Ascolese suggested this be researched, to which Mr. Cahill agreed. Mr. Ascolese also questioned the maintenance requirements for porous pavement. Mr. Cahill stated that an owner's maintenance manual was submitted.

Mr. Cahill presented an Aerial Rendering prepared by Bohler Engineering dated March 31, 2017 which was marked as Exhibit A-17. A 500-foot radius line, shown in yellow, was pointed out as well as a pink line, which shows the Mahwah High School property and the overlap. There is approximately 785 feet between the proposed building and the High School building. Building to building separation in the area was described. There is a large industrial building, heavy vegetation and a steep slope going up towards the High School creating a significant buffer between the proposed facility and the High School.

Several variance requests were noted and previously discussed such as the height of the wall, the use and the signage. Mr. Cahill elaborated on the canopy signs. Three signs are being requested to be installed on the north, south and east sides of the canopy.

There were additional questions but due to the late time, Mr. Cahill will continue testimony at a future hearing.

After a brief discussion on scheduling, Mr. Dator announced the QuickChek application is carried to the May 17, 2017 meeting. Mr. McArthur consented to the extension of time and no further notice is required.

VI. WORK SESSION:

None to present.

VII. ADJOURNMENT:

The meeting adjourned at 10:33 pm on a motion by Mr. Straffin, seconded by Mr. Whiteman.

These minutes were prepared by Michael J. Kelly, Administrative Officer/Professional Engineer and Geri Entrup, Zoning Board Recording Secretary.