

**TOWNSHIP OF MAHWAH  
BOARD OF ADJUSTMENT**

**MINUTES**

**DECEMBER 16, 2015**

The combined public/work session meeting of the Board of Adjustment held at the Municipal Building, 475 Corporate Drive, Mahwah, NJ, beginning at 7:37 pm was called to order by Mr. Rabolli, 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. Dator Mr. Rabolli  
Mr. Ervin Mr. Straffin  
Mr. Montroy

**ABSENT:** Mr. DeSilva Mr. Larson  
Mr. Kezmarsky Mr. Whiteman

**ATTORNEY:** Mr. Ben R. Cascio, Esq.

**I. APPROVAL OF BILLS:**

11/04/15; 11/18/15 \$500.00 Ben R. Cascio, Esq. – Attendance  
Two meetings

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

**II. APPROVAL OF MINUTES:**

**A. MINUTES OF OCTOBER 21, 2015**

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

**III. MEMORIALIZING RESOLUTIONS:**

None to present.

**IV. OPEN TO THE PUBLIC:**

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

**V. PUBLIC HEARINGS:**

**1. DKT.#1393-15 – KULDIP SINGH  
40 FRANKLIN TURNPIKE, BLOCK 68, LOT 5**

Application for a Use Variance and Preliminary and Final Site Plan to construct a gas station and convenience store.

*NOTE:* After the Work Session portion of the meeting, the Board went back into the Public Hearing portion to which Mr. Bruce Whitaker of McDonnell & Whitaker, LLC, approached on behalf of Mr. Joseph R. Mariniello, Esq., and the Applicant. Mr. Rabolli explained the Board processes, quorums and the voting required for a D Variance. He indicated the current limitations of Board attendees and the upcoming Reorganization meeting scheduled in January, 2016. Members can be asked to listen to the hearing recordings for voting eligibility. Mr. Cascio indicated all notices were in order. Mr. Rabolli announced this application will be carried to January 20, 2016, with no further notice required.

**2. DKT.#1396-15 – MADELEINE RESSLER  
STAG HILL ROAD, BLOCK 13, LOTS 4 & 5**

Application for a variance to permit the construction of a single-family residence on an undersized lot.

Mr. Bruce Whitaker, Esq., of McDonnell & Whitaker, LLC, approached on behalf of the Applicant. Mr. Cascio indicated all notices were in order. Mr. Whitaker presented an overview of the application as noted in the Statement of Facts submitted with the application. He listed the variances being requested and noted the existing non-conforming conditions. Mr. Whitaker described the rear yard setback and lot disturbances in detail. He noted they are requesting a waiver for an Environmental Impact Statement. Mr. Whitaker indicated a Highlands Applicability Determination along with a Water Quality Management Plan Consistence Determination letter has been received. Referring to Boswell Engineering's report dated December 10, 2015, Mr. Whitaker acknowledged a Soil Movement Permit Application will be required to be submitted.

Mr. Whitaker called Mr. Robert J. Weissman, of Weissman Engineering Co., P.C., Midland Park, NJ. Mr. Weissman was sworn in by Mr. Rabolli and was accepted as an expert engineer. Mr. Weissman described the existing conditions including the adjoining properties as noted on the plot plan, which was also shown on a poster board. The house

will be situated to conform to the front-yard setback. Upon questioning by Mr. Whitaker, Mr. Weissman mentioned receiving a waiver for Highlands, to which a report dated February 7, 2014 from the State of New Jersey, Department of Environmental Protection, Division of Land Use Regulation, "Agency Determination: Highlands Act – Not Major Highlands Development; Water Quality Management Plan – Consistent" was marked as Exhibit A-1. Mr. Weissman stated from an engineering perspective, the proposed modest-sized home would be consistent with those already in the area. Slopes and drainage were also described in detail. A waiver is being requested for slopes greater than 1V:4H as the applicant proposes to create 1V:3H slopes. Referencing the Plot Plan section as listed in Boswell Engineering's report dated December 10, 2015, Mr. Weissman noted all items will be complied with.

There were no questions from the Board or the Public for Mr. Weissman. Mr. Whitaker concluded his presentation.

**3. DKT.#1398-15 – DEAN VAN NATTA  
3 JACKSON LANE, BLOCK 135, LOT 51**

Application for bulk variances to construct an in-ground pool with site improvements.

Mr. Jay R. Atkins, Esq., of Sunshine, Atkins, Minassian, Tafuri, D'Amato, Beane & Buckner, PA, approached on behalf of the Applicant. Mr. Cascio indicated all notices were in order. Mr. Atkins began by stating all conditions within Boswell Engineering's December 11, 2015 report will be accepted and met.

Mr. Atkins called the Applicant, Mr. Dean Van Natta. Mr. Van Natta was sworn in by Mr. Rabolli. Upon questioning by Mr. Atkins, Mr. Van Natta indicated he grew up in Mahwah and owns a business that is also located in Mahwah. He has resided at 3 Jackson Lane since 2008. There is only one neighbor, located on the opposite side of the house where the pool is proposed. A privacy fence already exists. There were no questions from the Board or the Public for Mr. Van Natta.

Mr. Atkins called Mr. Mark A. Palus, of MAP Engineering, Kinnelon, NJ. Mr. Palus was sworn in by Mr. Rabolli. After presenting his qualifications, Mr. Palus was accepted as an expert engineer. Mr. Palus described the plans he prepared as submitted with the application. He described the existing home and driveway. They are proposing to add a pool with a patio that will require some regrading. A waiver for slopes was explained in detail. Nothing is proposed to be done by the existing septic. Mr. Palus described the requested variances including building coverage and improved lot coverage. Mr. Palus noted the lot has a 20' easement in the front of the property that is used as a street and is included in the coverage calculations. Per Boswell Engineering's report, side-yard setback variances must also be requested, which is an existing non-conformity. There were no questions from the Board or the Public for Mr. Palus.

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. All voted in favor.

**VI. WORK SESSION:**

**1. DKT.#1393-15 – KULDIP SINGH  
40 FRANKLIN TURNPIKE, BLOCK 68, LOT 5**

Application for a Use Variance and Preliminary and Final Site Plan to construct a gas station and convenience store.

As noted above and in Public session, Mr. Rabolli announced this application will be carried to January 20, 2016, with no further notice required.

**2. DKT.#1396-15 – MADELEINE RESSLER  
STAG HILL ROAD, BLOCK 13, LOTS 4 & 5**

Application for a variance to permit the construction of a single-family residence on an undersized lot.

Mr. Rabolli summarized the application. A motion to approve was made by Mr. Montroy, seconded by Mr. Straffin. A roll call vote revealed 5 aye votes by Mr. Dator, Mr. Ervin, Mr. Montroy, Mr. Rabolli and Mr. Straffin.

**3. DKT.#1398-15 – DEAN VAN NATTA  
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Application for bulk variances to construct an in-ground pool with site improvements.

Mr. Rabolli summarized the application. A motion to approve was made by Mr. Montroy, seconded by Mr. Ervin. A roll call vote revealed 5 aye votes by Mr. Dator, Mr. Ervin, Mr. Montroy, Mr. Rabolli and Mr. Straffin.

**VII. ADJOURNMENT:**

The meeting adjourned at 8:25 pm on a motion by Mr. Dator, seconded by Mr. Straffin.