

**TOWNSHIP OF MAHWAH  
BOARD OF ADJUSTMENT**

**MINUTES**

**DECEMBER 6, 2017**

The combined public/work session meeting of the Board of Adjustment held at the Municipal Building, 475 Corporate Drive, Mahwah, NJ, beginning at 7:42 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. Almeda Mr. Montroy  
Mr. Kearney Mr. Rabolli  
Mr. Larson (in at 7:55 pm) Mr. Whiteman

**ABSENT:** Mr. Dator Mr. Straffin  
Mr. DeSilva

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

**I. APPROVAL OF BILLS:**

10/4/17; 10/18/17	\$500.00	Ben R. Cascio, Esq. – Attendance Two meetings
11/1/17; 11/15/17	\$500.00	Ben R. Cascio, Esq. – Attendance Two meetings

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

**II. APPROVAL OF MINUTES:**

**A. MINUTES OF SEPTEMBER 20, 2017**

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

**III. MEMORIALIZING RESOLUTIONS:**

**1. DKT.#1430-17 – PRESTIGE PRE-OWNED, LLC  
7 INDUSTRIAL AVENUE, BLOCK 110.02, LOT 1**

Resolution granting a Use Variance to permit the wholesale sale and purchase of pre-owned motor vehicles.

A motion to approve was made by Mr. Whiteman, seconded by Mr. Kearney. A roll call vote revealed 3 aye votes by Mr. Kearney, Mr. Rabolli and Mr. Whiteman.

**2. DKT.#1423-17 – RAMAPOUGH MOUNTAIN INDIANS, INC.  
95 HALIFAX ROAD, BLOCK 1, LOT 131**

Resolution granting the dismissal of a Use Variance Application, without prejudice, with conditions.

A motion to approve the dismissal of the application subject to conditions was made by Mr. Whiteman, seconded by Mr. Kearney. A roll call vote revealed 3 aye votes by Mr. Kearney, Mr. Rabolli 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 HEARINGS:**

**1. DKT.#1413-16 – SEAN ROYLE  
16 SKYTOP DRIVE, BLOCK 154, LOT 17**

Application for a “C” Variance to construct a single-family home on vacant land without frontage upon a street.

Mr. Rabolli announced correspondence has been received from Mr. James E. Jaworski, Esq., dated December 4, 2017, requesting the Sean Royle application hearing be carried to January 17, 2018. No further notice is required.

**2. DKT.#1431-17 – MICHAEL & AIDA BERGBAUER  
127 LAKEVIEW AVENUE, BLOCK 18, LOT 9**

Application for a “C” Variance to construct a new front and side porch as well as a rear deck.

Mr. Michael and Mrs. Aida Bergbauer approached as well as Mr. Thomas Ashbahian. All three were sworn in by Mr. Rabolli. Mr. Ashbahian has appeared before the Board on numerous occasions and was accepted as an expert planner and architect. Mr. Cascio indicated all notices were in order.

Mr. Bergbauer introduced himself and explained his application. He would like this to be his dream home and would like to make enhancing improvements. Mr. Ashbahian presented the plan dated October 18, 2017 submitted with the application on poster board which was marked as Exhibit A-1.

*Note: Mr. Larson in at 7:55 pm*

Mr. Ashbahian described the current conditions. The home is a pre-fab home with a bland façade. The Applicant would like to construct a porch in the front and side as well as a rear deck. Steep grading exists in the rear of the property. There are several existing non-conformities as noted in the Maser Consulting report dated December 6, 2017. The proposed front porch will encroach further into the front and side-yard setbacks. There are no homes across the street that would be imposed upon. The area is not densely developed and many existing properties are irregular in shape. The property width is exceptionally narrow. Coverages are below what is permitted although the lot is non-conforming in size. The proposed porch will add an aesthetic value and will give the Applicant a great view of the lake across the street. Mr. Ashbahian's opinion is there are no detriments to the public good or to the zoning code.

Mr. Ashbahian cited for the record the dimensions of the porch and deck. Mr. Kearney questioned any intention of making the home a multi-family use. Mr. and Mrs. Bergbauer as well as Mr. Ashbahian all confirmed the home is for a single-family use only. The application has been submitted to enhance their current living space.

There were no further questions from the Board or the Public for Mr. or Mrs. Bergbauer or Mr. Ashbahian.

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

## **VI. WORK SESSION:**

### **1. DKT.#1431-17 – MICHAEL & AIDA BERGBAUER 127 LAKEVIEW AVENUE, BLOCK 18, LOT 9**

Application for a "C" Variance to construct a new front and side porch as well as a rear deck.

Mr. Rabolli summarized the application. A motion to approve was made by Mr. Montroy, seconded by Mr. Whiteman. A roll call vote revealed 6 aye votes by Mr. Almeda, Mr. Kearney, Mr. Larson, Mr. Montroy, Mr. Rabolli and Mr. Whiteman.

**2. ANNOUNCEMENT**

Mr. Rabolli announced that the December 20, 2017 as well as the January 2, 2018 Board of Adjustment meetings will be cancelled.

**VII. ADJOURNMENT:**

The meeting adjourned at 8:16 pm on a motion by Mr. Whiteman, seconded by Mr. Montroy.