

**TOWNSHIP OF MAHWAH  
BOARD OF ADJUSTMENT**

**MINUTES**

**FEBRUARY 4, 2015**

The combined public/work session meeting of the Board of Adjustment held at the Municipal Building, 475 Corporate Drive, Mahwah, NJ, beginning at 7:32 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. Ervin Mr. Rabolli  
Mr. Larson Mr. Straffin  
Mr. Montroy Mr. Whiteman

Mr. Mike Kelly, PE

**ABSENT:** Mr. Dator Mr. Kezmarsky  
Mr. DeSilva

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

**I. SWEARING IN OF NEW MEMBER:**

**NEW MEMBER:**

Mr. George Ervin, Alternate II Member, was sworn in as a Board of Adjustment member for a two-year term through December 31, 2016.

**II. APPROVAL OF BILLS:**

1/07/15; 1/21/15	\$500.00	Ben R. Cascio, Esq. – Attendance Two meetings
Period – January 2015	\$450.00	Ben R. Cascio, Esq. – Services Rendered Annual Report
	\$675.00	Dkt.#1284-09 (Chai Lifeline Litigation)

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

**III. APPROVAL OF MINUTES:**

None to present.

**IV. MEMORIALIZING RESOLUTIONS:**

None to present.

**V. OPEN TO THE PUBLIC:**

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

**VI. PUBLIC HEARINGS:**

**A. Dkt.#1386-14 – KARL & FRANCINE KERN  
784 WYCKOFF AVENUE, BLOCK 165, LOT 1**

Application for site plan approval with related bulk variance relief in connection with a prior use variance approval. Application carried from January 21, 2015.

Mr. James Jaworski, of Wells, Jaworski & Liebman, LLP, approached on behalf of the Applicant. He noted the exhibits previously marked and presented an updated exhibit list. Mr. Jaworski stated the meeting scheduled with the Mahwah Historic Commission on February 2, 2015 was cancelled due to a snow storm. The meeting has been rescheduled to February 18, 2015.

Mr. Jaworski called Mr. Thomas V. Ashbahian, 39 Spring Street, Ramsey, NJ, who was sworn in by Mr. Rabolli. Mr. Ashbahian was accepted as an expert professional engineer and professional planner. Mr. Jaworski introduced Exhibit A-4, Site Plan (1 sheet) entitled, "Site Plan/Data, Kern & Rodgers Site" prepared by Thomas V. Ashbahian dated November 19, 2014. Mr. Ashbahian overviewed the existing conditions mentioning pre-existing nonconforming conditions on the property for minimum lot area, minimum lot width and minimum front yard setback; all to remain the same. No expansion of the building footprint or exterior structure is proposed. Drainage, lighting, landscaping and the proposed trash enclosure were discussed. The Applicant has been in recent communications with neighbors regarding parking and a possible berm to raise the proposed tree landscaping height. One new variance would be created with the proposed improvements, which is the improved lot coverage of 42.5% where the maximum permitted is 30%. Mr. Jaworski indicated the Mahwah Historic Commission is concerned with the relocation of the existing well and will follow their recommendations.

Mr. Ashbahian referenced Boswell McClave Engineering's January 16, 2014 report and went through the bulleted items in the Variances/Waivers section. He indicated soil movement would be less than 25 cubic yards; although the amount may change a little if a berm is added. Soil Conservation Commission and Bergen County Planning Board waivers have been received.

Mr. Kelly questioned outdoor storage, irrigation, parking calculations and lighting. Mr. Ashbahian indicated there will not be any outdoor storage and items such as real estate signs and landscape equipment will be enclosed within a shed. Mr. Ashbahian described the parking calculations, which would require 10 spaces; however, 12 parking spaces are being proposed. Mr. Kelly recommends the Board request the right to require changes to the lighting for a period up to six months after installation. Per Mr. Cascio, a Developer's Agreement would not be required as there are no off-site improvements. Mr. Kelly noted improvements can be bonded as part of the Soil Movement Permit.

Mr. John Landers, 185 Linden Street, Hackensack, NJ approached on behalf of Mr. & Mrs. Feeny of 740 Wyckoff Avenue. Mr. Landers questioned Mr. Ashbahian regarding parking and how much new impervious area is required to accommodate the two additional parking spaces. He also asked why two large trees would need to be removed. The following two exhibits were presented and marked:

Exhibit O-1	Photo of tree to be removed
Exhibit O-2	Photo of tree to be removed

Referring to the restaurant located across the street, Mr. Landers asked if a chain could be put across the driveway to the site at night to prevent parking of unauthorized vehicles after hours. Mr. Ashbahian replied this would be an emergency vehicle safety issue. Mr. Ashbahian indicated that in addition to the parking spaces, additional impervious coverage is proposed to permit vehicles room to turn around in the parking lot. The discussion continued regarding the number of parking spaces really necessary. Mr. Landers continued stating he does not see a need for the proposed additional impervious area nor the need to remove the two trees.

Mr. Whiteman referred to the original application and the request for an address change from Wyckoff Avenue to Forest Road. Mr. Jaworski will speak to the Tax Assessor regarding this change.

Ms. Denise Storms, 764 Wyckoff Avenue, approached. Ms. Storms questioned the drainage, curbing and lighting. Mr. Ashbahian indicated there would be drainage basin and a trench drain. She also questioned the driveway entrance. Mr. Ashbahian indicated the driveway will be lengthened from 20 to 24 feet going up Forest Road.

Ms. Barbara Shanley, 314 Franklin Turnpike, approached. Ms. Shanley is with the Historic Commission and questioned the well, its relocation and repair due to damage from Hurricane Sandy. Mr. Jaworski replied all can be discussed and an amicable agreement made when they meet.

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

Mr. Jaworski concluded with a closing statement requesting the Board approve the application.

Mr. Landers does not feel the Applicant has met their burden and does not see a need for two more parking spaces, the need to take down trees or the need to move the well. He stated a considerable expansion is proposed just to create two parking spaces and there was no testimony given as to why there is a need for 12 parking spaces. He asked the parking be limited to 10 spaces and that access to the property be limited after business hours.

There was a short discussion on the actual parking space coverage calculations along with the additional coverage needed for vehicle turnaround within the lot.

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

## **VII. WORK SESSION:**

### **A. Dkt.#1386-14 – KARL & FRANCINE KERN 784 WYCKOFF AVENUE, BLOCK 165, LOT 1**

Application for site plan approval with related bulk variance relief in connection with a prior use variance approval.

Mr. Whiteman commented the request to limit after-hours parking is reasonable as well as the conditions testified to during the hearing. Mr. Kelly asked if Title 39 could be posted, which could be a condition of approval.

Mr. Rabolli summarized, noting several conditions, and suggested the Applicant make a best effort to meet with the Historic Commission regarding the well.

A motion to approve, with conditions, was made by Mr. Whiteman, seconded by Mr. Larson. A roll call vote revealed 6 aye votes by Mr. Ervin, Mr. Larson, Mr. Montroy, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

## **VIII. ADJOURNMENT:**

The meeting adjourned at 8:24 pm on a motion by Mr. Whiteman, seconded by Mr. Larson.

These minutes were prepared by Geri Entrup, Zoning Board Recording Secretary.