

**TOWNSHIP OF MAHWAH  
BOARD OF ADJUSTMENT**

**MINUTES**

**JULY 20, 2016**

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. Dator	Mr. Montroy
Mr. DeSilva	Mr. Rabolli
Mr. Ervin	Mr. Straffin
Mr. Kearney (in at 7:39 pm)	Mr. Whiteman
Mr. Larson	
Mr. M. Kelly, PE	
Mr. J. Layton, PP	

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

**I. APPROVAL OF BILLS:**

None to present.

**II. APPROVAL OF MINUTES:**

None to present.

**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:**

**A. DKT.#1405-16 – JPNJ REAL ESTATE LLC  
1071 RAMAPO VALLEY ROAD, BLOCK 23, LOT 45**

Application for a Use Variance to permit the operation of a Behavioral Health, Substance Abuse, Detoxification and Residential Rehabilitation Center as well as a Multiple Use Variance to allow multiple residential dwellings on a single lot, Application carried from the July 6, 2016 meeting.

Ms. Holly Schepisi of Huntington Bailey, LLP, approached on behalf of the Applicant. Ms. Schepisi noted the planned witnesses to be called. The Applicant has submitted a bifurcated application and will be seeking a variance for the number of uses for the parcel and if approved, it is understood that a full Site Plan Application will need to be prepared and submitted.

Ms. Schepisi called Mr. Robert Weissman of Weissman Engineering, Midland Park, NJ. Mr. Weissman was sworn in by Mr. Rabolli and after presenting his credentials and qualifications, was accepted as an expert site engineer. Mr. Weissman presented the plan entitled “Proposed Carriage House Plan, Mount Carmel Retreat” prepared by Robert J. Weissman, PE. PLS dated May 26, 2016, which was marked as Exhibit A1. Mr. Weissman described the plan in detail. He was previously involved with the prior subdivision of the property that was approved by the Mahwah Planning Board but never perfected. Mr. Weissman noted the Zoning Data (lot area, lot width, lot depth, etc.) as documented on the plan. He continued citing the area requirements for the zone where nursing/convalescence homes are permitted as compared to what is existing on the site. The current parking was also mentioned.

With respect to the proposed townhouses, Mr. Weissman indicated there would be independent access separate from the main use. He noted the footprint and coverage breakdowns as listed on Exhibit A-1. He described the Planned Residential Development (PRD4S) Zone noting coverages and setbacks. There would be a maximum of eight (8) townhomes constructed but due to the Highlands Exemption Determination Application, this number may decrease. Mr. Weissman mentioned there would be a reduction of impervious coverage to compensate for the building of the units. If the use variance is granted, they would need to comply with water and waste water regulations as well as the Highland’s restrictions. There is currently emergency services access. Mr. Weissman is confident this accessibility will be maintained. If the proposal is approved, a Site Plan Application would need to be submitted to the Bergen County Planning Board.

Upon questioning by Mr. Kearney, the Minor Subdivision Application that was approved by the Mahwah Planning Board was described. Restrictions on the property was also questioned. Mr. Weissman stated the main restriction is the Highlands with regards to impervious coverage and limits of disturbance. There is an existing small pond that separation distance would need to be adhered to and possible wetlands on the property that would need to be investigated. The limits of disturbances was discussed in further detail in regards to the proposed townhomes. There is no intention to subdivide the

townhome portion of the property. The proposed construction and sale of the townhomes would help offset the cost of the property. If, however, the townhomes are not built, that area of impervious coverage could be utilized elsewhere on the property. The Board Members continued questioning the site plan in regards to the Highlands restrictions, the pond, the wetlands and the existing well.

Mr. Kelly questioned the existing and proposed parking. Mr. Weissman noted there are about 80 existing parking spaces, but not all are delineated at this time. It appears that the Applicant will require about 40 parking spaces, to which this can be further clarified and determined during the Site Plan Application process. Mr. Kelly continued questioning the existing septic system. Mr. Weissman is not sure of the existing condition but this would be investigated and a new septic system would be installed for the proposed townhomes. Mr. Layton questioned fire access mentioning the potential of creating additional impervious coverage for drive access. Mr. Weissman replied this would need to be taken into consideration as part of the Site Plan.

Upon questioning by Ms. Schepisi, Mr. Weissman confirmed the following are current permitted uses in the R80 zone: agriculture uses, churches, places of worship, public day schools, public parks, libraries, fire houses, volunteer ambulance facilities, community buildings and social clubs.

At this time, Mr. Rabolli opened the hearing for Public questions for Mr. Weissman.

Mr. Forrest Merrill, of 69 Alcott Road, Mahwah, NJ, representing Mr. Mark Weinraub of 1145 Ramapo Valley Road, approached. Mr. Merrill questioned the number of outbuildings to which Mr. Weissman noted there are five (5) existing outbuildings. Upon further questioning, Mr. Weissman stated the presence of these buildings is existing nonconformities and if necessary, during the Site Plan Application, the Applicant would apply for variance relief. Mr. Merrill questioned notice mentioning if variances were being requested as part of the current application, they were not requested in the notice. Ms. Schepisi commented that in 1990, there was an application for expansion and an associated Developer's Agreement and Resolution regarding the subject property that included the buildings on site as being in existence and in use prior to many of the current Zoning Codes. Notice continued to be discussed. The prior Minor Subdivision Application, the existing road, access to the townhomes and the septic were questioned.

Mr. Tetsu Amagasu, 1044 Ramapo Valley Road, Mahwah, NJ approached. He questioned the widening of the driveway, storm water management and an Environmental Impact Study. Mr. Weissman indicated there would be some widening of the driveway to accommodate two-way traffic, seepage pits would be installed and if the Site Plan Application requires the submission of an Environmental Impact Study, the Applicant would comply.

Ms. Laura Ashtyani, of 1122 Ramapo Valley Road, Mahwah, NJ approached. She questioned the property survey, the potential existence of a cemetery, the septic system, the number of townhomes, the forested area percentage, the pond and the stream buffer. Mr. Weissman is unaware of the presence of a cemetery. He indicated there may be 2-3

existing septic systems and an evaluation would be done as part of the Site Plan Application. All Highland's requirements pertaining to the forested areas and limits of disturbance would need to be complied with.

Ms. Schepisi stated there is a list of cemeteries within the property's vicinity in the Township's Master Plan but nothing listed on this lot. This will be investigated.

Mr. Jim Ribaldo, of 1050 Ramapo Valley Road, Mahwah, NJ approached. He questioned the plans for the carriage homes, the location of the fence proposed by Mr. Lasco, and more specifics on the detox building. Mr. Weissman replied that there are two townhouse buildings proposed containing four units each, the fence location would need to be determined and the detox service would be in the building closest to the entrance, separate from the main building. Ms. Schepisi stated there would be a maximum of 15 people in the detox unit. A discussion continued on the number of bedrooms, the number of occupants and the septic system. The Applicant would need to comply with all building codes and local zoning requirements as well as the Department of Community Affairs.

Mr. Robert Amarante, of 1066 Ramapo Valley Road, Mahwah, NJ approached. He questioned the definition of the R80 Zone and the two-acre minimum lot area requirement. Mr. Weissman replied the proposed attached townhomes would need a variance and would encompass less than an acre area. The density applies to the entire 34-acre lot and is part of the use variance request.

Ms. Florence Policano, of 999 Ramapo Valley Road, Mahwah, NJ approached. She questioned a perimeter fence, visitors, registered sex offenders, security, townhome owners, emergency services and the future of the site with separate uses. Mr. Weissman replied a perimeter fence has not yet been discussed. Ms. Schepisi stated there are state law regulations regarding registered sex offenders, the Applicant will have trained staff for security, and the townhomes will be marketed to facility employees but will be open to the public market. A comment was made that full property taxes would now be paid as compared to the former non-profit facility that would help with covering emergency services. As far as a future potential sale or subdivision plan for the site, any changes would need to be brought back before the Board.

Ms. Laura Ashtyani, of 1122 Ramapo Valley Road, Mahwah, NJ reapproached. She questioned the existence of any underground storage tanks or oil tanks and what would the remediation be. She stated that it was brought to her attention that there are existing old oil tanks that were supposed to have been remediated underneath the macadam. Mr. Weissman is not aware of any tanks. Ms. Schepisi is also unaware and asked Ms. Ashtyani to provide her with any information she may have or can obtain regarding the possible existence of tanks for further investigation.

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

Mr. Rabolli called a recess at 9:22 pm.

The meeting reconvened at 9:32 pm.

Ms. Schepisi called Mr. Charles Olivo of Stonefield Engineering in Rutherford, NJ. Mr. Olivo was sworn in by Mr. Rabolli and after presenting his background and experience, was accepted as a traffic expert. Mr. Olivo reviewed the site ingress, egress and adjacent streets and described the existing and proposed access. He also described the existing roadway through the subject property. Traffic flows during the day on Ramapo Valley Road were discussed as well as different scenarios using time windows (7:00 am – 9:00 am and 4:00 pm – 7:00 pm). Trip generation using the ITE model was described using different variables for the proposed type of use comparing it to a nursing home. The people driving to and from the facility would not be residents; they would be doctors, employees, delivery staff, and the like over staggered shifts. Mr. Olivo compared the traffic for this facility to that of other permitted uses in the zone (schools, churches). Mr. Olivo stated the overall traffic for the proposed use will have a minimal impact within peak windows of traffic. He noted a school typically has a stronger morning and afternoon peak and would have a higher trip generation than what is proposed.

Mr. Kearney questioned ingress and egress, which led to a discussion on site lines, site distance requirements, county standards, and what changes to the access would potentially need to be made.

Ms. Laura Ashtyani, of 1122 Ramapo Valley Road, Mahwah, NJ approached. She questioned left-hand turns out of the facility and snow conditions. Mr. Olivo noted a 20-25 second timeframe to make a left-hand turn and a design really cannot be prepared around snow conditions or snow mounds. A ‘no left-hand turn’ was questioned, but that would be a decision made by the County.

Mr. Tony Garvin, of 988 Ramapo Valley Road, Mahwah, NJ approached. He questioned the total number of trips and what a significant number of trips means. Mr. Olivo described site distances and open site lines which are important from a safety perspective. Mr. Garvin noted the blind hill, the blind curves in the road as well as any accidents in the area. Mr. Olivo stated he can research any accident history that could potentially be prevented.

Mr. Ron Beekman of 998 Ramapo Valley Road, Mahwah, NJ approached. He questioned accidents in the area noting the guardrails in the area have been repaired several times in the past few years. He questioned the ingress and egress of both driveways as compared to what exists today, which is one driveway for ingress and one driveway for egress. Mr. Olivo stated that all site lines would need to be looked in a full traffic study. Site lines continued to be questioned by Mr. Kearney. Ms. Schepisi indicated the Applicant would comply with any Township or County requirements for the design. Ms. Schepisi indicated she would contact the Mahwah Police Department as well as the County requesting all accident reports in the area. Mr. Kelly stated that Mahwah, under the Site Plan Approval, and the County both have site-line distance requirements.

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

After a short discussion, Mr. Rabolli announced this application will be carried to the August 3, 2016 meeting. No further notice is required. Ms. Schepisi indicated planning testimony will be heard at the next hearing.

**B. DKT.#1406-16 – JOHN TOMPOROWSKI  
9 MOUNTAIN AVENUE, BLOCK 47, LOTS 12 & 13**

Application to build a single-family home on an undersized lot that does not have frontage on an approved street and related Bulk Variances as well as confirming pre-existing nonconforming conditions on Lot 13.

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. The Applicant is seeking an approval to permit a single-family home be constructed on an unapproved street on Lot 12 and to confirm the pre-existing nonconforming conditions on Lot 13. There are a number of existing homes as well as several newer homes that have been granted relief to build on Mountain Avenue in the past.

Mr. Whitaker called Mr. Peter Kirch of SurTech Surveying Technologies, Inc, Ramsey, NJ. Mr. Kirch was sworn in by Mr. Rabolli and was accepted as an expert professional land surveyor. Mr. Kirch has prior experience with several other homes being approved and built on Mountain Avenue. The conditions of the roadway currently remains the same. Mr. Kirch noted the pre-existing nonconformities being requested for Lot 13 as improved lot coverage, side-yard setback, combined side-yard setback and rear-yard setback.

There was a short discussion on possibly moving the lot line; to which it was determined if there is an issue in the potential sale of the property, the Applicant will come back before the Board.

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

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

**VI. WORK SESSION:**

**A. DKT.#1405-16 – JPNJ REAL ESTATE LLC  
1071 RAMAPO VALLEY ROAD, BLOCK 23, LOT 45**

Mr. Rabolli announced during the Public Hearing portion of the meeting that this application will be carried to the August 3, 2016 meeting. No further notice is required.

**B. DKT.#1406-16 – JOHN TOMPOROWSKI  
9 MOUNTAIN AVENUE, BLOCK 47, LOTS 12 & 13**

Application to build a single-family home on an undersized lot that does not have frontage on an approved street and related Bulk Variances as well as confirming pre-existing nonconforming conditions on Lot 13.

A motion to approve was made by Mr. Whiteman, seconded by Mr. Larson. A roll call vote revealed 9 aye votes by Mr. Dator, Mr. DeSilva, Mr. Ervin, Mr. Kearney, Mr. Larson, Mr. Montroy, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

A motion was made by Mr. Whiteman, seconded by Mr. Larson, to close the Work Session portion of the meeting and move to Adjourn. All voted in favor.

**VII. ADJOURNMENT:**

The meeting adjourned at 10:36 pm on a motion by Mr. Dator, seconded by Mr. Whiteman.