

**TOWNSHIP OF MAHWAH
BOARD OF ADJUSTMENT**

MINUTES

JUNE 1, 2016

The combined public/work session meeting of the Board of Adjustment held at the Municipal Building, 475 Corporate Drive, Mahwah, NJ, beginning at 7:35 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. DeSilva	Mr. Straffin
	Mr. Larson	Mr. Whiteman
	Mr. Montroy	

Mr. M. Kelly, PE

ABSENT:	Mr. Ervin	Mr. Kearney
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ATTORNEY:	Mr. Ben R. Cascio, Esq.
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I. APPROVAL OF BILLS:

4/6/16; 4/20/16	\$500.00	Ben R. Cascio, Esq. – Attendance Two meetings
5/4/16; 5/18/16	\$500.00	Ben R. Cascio, Esq. – Attendance Two meetings
Period – May	\$495.00	Dkt.#1402-16 (Goel)
	\$495.00	Dkt.#1403-16 (Shah)
	\$495.00	Dkt.#1401-16 (McGowan)

A motion to approve was made by Mr. Montroy, seconded by Mr. Whiteman. A roll call vote revealed 7 aye votes by Mr. Dator, Mr. DeSilva, Mr. Larson, Mr. Montroy, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

II. APPROVAL OF MINUTES:

A. MINUTES OF MAY 4, 2016

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

B. MINUTES OF MAY 18, 2016

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

III. MEMORIALIZING RESOLUTIONS:

**A. DKT.#1401-16 – ALTAIMA McGOWAN
136 CHURCH STREET, BLOCK 52, LOT 57**

Resolution granting a front-yard variance to add a two-story addition to the front and a second-story addition to the rear of an existing home.

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

**B. DKT.#1392-15 – SHARP PLAZA SG HOLDINGS LLC
10 SHARP PLAZA, BLOCK 26, LOT 1.02**

Resolution granting a six-month extension of the Minor Subdivision Approval until November 26, 2016.

A motion to approve was made by Mr. Whiteman, seconded by Mr. Montroy. A roll call vote revealed 5 aye votes by Mr. Dator, Mr. DeSilva, Mr. Montroy, 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:

**A. DKT.#1404-16 – MARK WEINRAUB
1145 RAMAPO VALLEY ROAD, BLOCK 23, LOT 42**

Application for side-yard variances and to permit the construction of more than one accessory structure.

Mr. Kelly addressed the Board indicating the Applicant currently has two accessory structures on the property where one is permitted and is proposing to install three more. He also indicated the side-yard setback is deficient and one of the proposed accessory structures exceeds the maximum area permitted.

Mr. Forrest G. Merrill, Esq., approached on behalf of the Applicant. Mr. Cascio indicated all notices were in order. Mr. Merrill gave an overview of the application. The following exhibits were presented throughout the hearing and marked into the record:

- Exhibit A-1 “Solar Panels Layout Plan/Soil Erosion & Sediment Control Plan,” Mark Weinraub, 1145 Ramapo Valley Road, prepared by Azzolina & Feury Engineering Inc., dated February 2, 2016 with a last revision date of April 20, 2016.
- Exhibit A-2a&b Photographs depicting Mr. Weinraub’s property.
- Exhibit A-3a&b Photographs depicting ground mount array installed at another customer site.
- Exhibit A-3c Photograph of the front of Mr. Weinraub’s property depicting approximately where the two lower arrays are proposed to be installed.

Mr. Merrill stated the property is a five (5) acre lot which is heavily wooded. The Applicant proposes to install a Ground Mounted Solar Energy System for the existing residence, including three (3) solar panel ground arrays to be located between the driveway and the northern side lot line. He described the sizes of the panels. Three sides of the property are bordered by Bergen County lands. A discussion ensued regarding solar panels being a beneficial use and the conservation of energy. Upon questioning by Mr. Whiteman, Mr. Merrill does not believe there are any trails or recreational activities in the County owned land adjacent to the Applicant’s property.

Mr. Merrill called Mr. Elvin Frost, of GeoScape Solar, 160 South Livingston Ave, Livingston, NJ. Mr. Frost was sworn in by Mr. Rabolli and after giving his credentials, he was accepted as an expert in the area of solar panel installation. Mr. Frost described the proposed solar system in detail. He explained the proposed panels could not be roof-mounted due to the existing angles of the clay roof and the limited southern exposure. The proposed location of the panels was described including the topography of the property, the sun exposures and the shadows. After performing sun reading testing, the the proposed area has the widest open area on the property and is the optimal location for the panels. Exhibits A2a and A2b were presented and described in detail. Mr. Frost continued describing the size of the arrays, how the size is determined and where each are placed. Variables such as tilt and orientation were noted. Exhibits A3a and A3b were presented, showing similar panels installed at other customer sites. Mr. Merrill referred to Exhibit A3c and described the area in the front of the home.

Mr. Frost continued his testimony noting the benefits of the panels in generating electricity and the environmental impact. He described the panels in detail mentioning a 40-year life span, the underground wiring, the electric distribution and storage. Each array will have a shut-off arm. Mr. Kelly recommends if the application is approved, the

Applicant coordinates with the Township Fire Prevention Department as appropriate. There were no further questions from the Board or the Public for Mr. Frost.

Mr. Merrill called Mr. John Loch of Azzolina & Feury Engineering Inc., 30 Madison Avenue, Paramus, NJ. Mr. Loch was sworn in by Mr. Rabolli and after giving his credentials, he was accepted as an expert surveyor and engineer.

Mr. Loch described Exhibit A-1 in detail from an engineering perspective. He described the site work to be done as well as the system installation. He does not believe the proposal will have any detriment on the surrounding areas stating the area is well-screened. He mentioned the panels are lower than most sheds. There were no further questions from the Board or the Public for Mr. Loch.

Mr. Merrill recalled Mr. Frost to describe the backup system, including the junction box, conduits and shut-off arms.

There were no further questions from the Board or the Public for this Application and Mr. Merrill gave a closing statement.

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

VI. WORK SESSION:

A. DKT.#1404-16 – MARK WEINRAUB 1145 RAMAPO VALLEY ROAD, BLOCK 23, LOT 42

Application for side-yard variances and to permit the construction of more than one accessory structure.

A motion to approve, with conditions, was made by Mr. Whiteman, seconded by Mr. Montroy. A roll call vote revealed 7 aye votes by Mr. Dator, Mr. DeSilva, Mr. Larson, Mr. Montroy, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

B. NEW BUSINESS:

Mr. Kelly brought to the Board's attention an upcoming application for the Carmelite Retreat. The Applicant has asked if the Board would consider holding a special meeting to hear this application. Mr. Rabolli polled the Board and the consensus was to schedule the application during a regular meeting and not hold a special meeting.

VII. ADJOURNMENT:

The meeting adjourned at 8:50 pm on a motion by Mr. Whiteman, seconded by Mr. DeSilva.

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