

II. APPROVAL OF MINUTES:

A. MINUTES OF JUNE 5, 2019

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

III. MEMORIALIZING RESOLUTIONS:

**1. DOCKET #1461-19 – LINDA HOOVER
12 FIRST STREET, BLOCK 29, LOT 1**

Application for “C” Variances for one side yard and one front yard setback to construct an addition to an existing single family home.

Mr. Cascio read from Page 4 of the Resolution granting approval.

A motion to approve was made by Mr. Straffin, seconded by Mr. Whiteman. A roll call vote of eligible voters revealed 5 aye votes by Mr. Calijone, Mr. Jackson, Mr. Rabolli, Mr. Straffin 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 HEARING(S):

**1. DOCKET #1464-19 – JOSEPH & KAREN HALLAK
29 JAMES BRITE CIRCLE, BLOCK 21.01, LOT 20**

Application for a “C” Variance to construct an in-ground pool in a front yard.

Mr. Forrest Merrill, Esq., 69 Alcott Road, Mahwah, NJ approached on behalf of the Applicant and stated that the Applicant proposes to construct a swimming pool in the front yard due to the back yard affronting Route 202. The rear of the yard is separated from Route 202 by 20’ – 30’ of dense hardwood. The Ordinance designates this type of lot as having two front yards. The Code section governing the installation of swimming pools mandates they be constructed in the rear or side yard. Because of this classification, a variance is required. Mr. Merrill called his witness, Mr. Lou Longo.

Mr. Lou Longo, Owner of Aqua Pools, 44 Central Avenue, Midland Park, NJ approached, was sworn in by Mr. Rabolli as a Fact Witness, and stated that he lives a few houses away from the Applicant at 17 James Brite Circle. Mr. Longo described the pool and the proposed location, and stated that all setbacks are met from the side and rear lines and the Bulk requirements are fully compliant with the Mahwah Code.

Exhibit A1 - Pool Site Plan dated April 25, 2019

Mr. Merrill presented three (3) photos to be marked into evidence. The photos were taken two (2) weeks prior by Mr. Longo.

Exhibit A2 - A, B & C

- A) Applicant's rear yard – approximate location of the pool, row of bushes, trees, fire pit and patio, Route 202.
- B) Rear of the house – wood deck, patio, spa, grass where pool will be placed.
- C) Straight on shot of the location for the pool, fountain area, level land.
Looking toward the neighbor to the right there is fairly heavy buffering.

In response to a question regarding the railroad ties shown on the plan, Mr. Longo commented that railroad ties would be removed and the elevation will be filled in and leveled. Pertaining to structures; the bocce court and horseshoe pit are pervious coverage, the patio around the fire pit is de minimis, the pool will have grass up to the coupling. The whole yard will be fenced with self-latching gates. There is a temporary entrance for construction vehicles.

There was no copy of the Notice in the meeting file. Mr. Merrill provided copies of the Affidavit of Service and the Notice. Resolution will be subject to proper notice with Ms. Entrup's confirmation of receipt. The vote and comments at this meeting are subject to proper notice.

A motion to move into Work Session was made by Mr. Whiteman, seconded by Mr. Straffin. All voted in favor.

VI. WORK SESSION:

Mr. Rabolli summarized and stated that under the Code, pools are not permitted in front yards. The property faces both James Brite Circle and Route 202 (Ramapo Valley Road). The Applicant has presented his application, the pool is located

within all the proper setbacks. The witness has testified that the back of the property is heavily wood, therefore, there will be no impact to travelers on Route 202. The Site Plan shows that well in front of the pool, there is a bocce court, a fire pit, and a horseshoe pit so the pool is far away from Route 202. The fence is an Ordinance requirement. Mr. Rabolli added that if the Applicant decides to add a patio, they will need to come back before the Board.

A motion to approve was made by Mr. Whiteman, seconded by Mr. Straffin. A roll call vote revealed 5 aye votes by Mr. Calijone, Mr. Jackson, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

A motion to go out of Work Session and adjourn was made by Mr. Whiteman, seconded by Mr. Straffin. All voted in favor.

VII. ADJOURNMENT:

The meeting adjourned at 8:02 p.m. on a motion by Mr. Whiteman, seconded by Mr. Straffin. All voted in favor.

These minutes were prepared by Sylvia Gerou, Zoning Board Recording Secretary. The minutes were provided to the Board of Adjustment on August 2, 2019 for approval at the Regular Meeting to be held on August 7, 2019.