

**TOWNSHIP OF MAHWAH  
BOARD OF ADJUSTMENT**

**MINUTES**

**June 5, 2019**

The combined public/work session meeting of the Board of Adjustment held at the Municipal Building, 475 Corporate Drive, Mahwah, NJ beginning at 7:33 pm was called to order by Mr. Rabolli, 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.

Mr, Rabolli reminded all members of the Board that Board of Adjustment meetings are now being videoed and broadcast live.

<b>PRESENT:</b>	Mr. Calijone	Mr. Montroy
	Mr. DeSilva	Mr. Rabolli
	Mr. Jackson	Mr. Straffin
	Mr. Kearney	Mr. Whiteman

**ABSENT:** None

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

**PROFESSIONALS:** None

**I. APPROVAL OF BILLS:**

4/3/19; 4/17/19	\$500.00	Ben Cascio, Esq. – Attendance Two meetings
4/3/19	\$200.00	Maser Consulting - Attendance

A motion to approve the bills was made by Mr. Straffin, seconded by Mr. Whiteman. A roll call vote revealed 8 aye votes by Mr. Calijone, Mr. DeSilva, Mr. Jackson, Mr. Kearney, Mr. Montroy, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

**II. APPROVAL OF MINUTES:**

None to present.

**III. MEMORIALIZING RESOLUTIONS:**

**1. DOCKET #1459-19 – JOSHUA ADAM BEN-ASHER  
1 VICTORIA LANE, BLOCK 147.02, LOT 62**

Resolution of Approval for the construction of a 6 foot high white PVC fence with lattice in the front yard along Campgaw Road.

Mr. Cascio read from page 4 of the Resolution.

A motion to approve was made by Mr. DeSilva seconded by Mr. Whiteman. A roll call vote of eligible voters revealed 6 aye votes by Mr. Calijone, Mr. DeSilva, 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 #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 stated that the notice was in order.

**Mr. Patrick LaCorte, 501 Avalon Drive, Wood Ridge, NJ** approached on behalf of the Applicant and stated that he was a Licensed Architect in the State of New Jersey and has practiced in the State of New Jersey appearing before 6-8 Land Use Boards in the past. Mr. LaCorte was sworn in and recognized as an expert in architecture by Mr. Rabolli.

Mr. LaCorte presented two poster boards; drawings of the proposed addition and pictures of the existing house from the street.

Exhibit A1 - Elevations & Site Plan, dated 6/5/19

Reading from the Application, Mr. LaCorte identified the C Variances required; the proposed addition would align with the right side wall, which is currently set back 5.6' from the right property line, where a 6' minimum setback is required. The addition would also align with the left side wall, which is currently set back 14' from the second front yard setback, the Bankridge Avenue side where a 25' minimum setback is required.

Mr. LaCorte further stated the Exceptional Conditions as: the homeowner is proposing a modest size addition – 12' x 30'6" / 366 square feet, and wishes to construct it in a way that will be visually appealing and consistent with the style and proportions of the existing house. Due to the fact that the property is a corner lot and is only 50.06' wide, and that the existing right side yard setback is only 5.6', it is not possible to construct the proposed addition in compliance with the ordinance. Mr. LaCorte stated the facts why relief could be granted without substantial detriment; because the new addition is small in size and will not project any further into the setbacks than the existing side walls. Also, the increased building size created by the proposed addition will still comply with the maximum Building Coverage and Lot Improvement ordinances.

**Mrs. Linda Hoover, Applicant, 12 First Street, Mahwah, NJ** approached and was sworn in by Mr. Rabolli. In response to the question of what is on the right hand side of the property and how far the neighbor's house is set off the property line, Mrs. Hoover commented that her neighbors are Dominic and Carolyn Allegrino at 14 First Street. Their house is approximately 12 feet off the property line. Mrs. Hoover also noted that the Hoover fence is approximately 1 foot on the Allegrino's property, but has never been a problem for the Allegrinos, nor is the proposed addition a problem. Members of the Board agreed that the distance would be sufficient.

Mrs. Hoover stated that she has lived in the house for 35 years and the reason she wants to construct the addition is for her Mom that is 85 ½ years old who was living with her other daughter, who recently passed away. Mr. LaCorte added that the plan is for a room large enough for clear circulation for medical care and a bathroom to accommodate Mrs. Hoover's Mom.

A discussion took place among the Board Members regarding lot coverage. It was confirmed by Mr. LaCorte that the existing patio on the right hand side of the home will be eliminated and the gravel driveway on the left hand side, which is not counted as lot coverage, is to be removed. Mr. LaCorte clarified that the proposed 989 feet is 68 feet smaller than the 1057 original plan because an existing bathroom is being removed. It will be 7 feet back from the current structure. Mr. LaCorte confirmed no further extension on the East or West sides of the house, only a little further, expanded kitchen for mobility for a wheel chair and that there is no plan for rental; strictly for the use of the expansion of the single family home. The roof line of the home will be flattened, making the house look more conforming to the way it was built.

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

**VI. WORK SESSION:**

Mr. Rabolli summarized and stated that the home is on a corner lot with two front yards. The home is far enough away from the neighbors. The patio on the back right rear is to be removed as well as the gravel driveway on the left. Mr. Rabolli commented that viable testimony was given by the Applicant.

A motion to approve was made by Mr. Kearney, seconded by Mr. Montroy. A roll call vote revealed 8 aye votes by Mr. Calijone, Mr. DeSilva, Mr. Jackson, Mr. Kearney, Mr. Montroy, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

Mr. Rabolli explained to Mrs. Hoover that the Resolution would be drafted by the Attorney, published in the paper, and that objectors could appeal within 45 days of the publication. Mr. Rabolli informed Mrs. Hoover that the work could begin at her own peril.

Mr. Rabolli announced that Board Member, Mr. Joe Larson, has resigned and that the Board of Adjustment Members wish him the best.

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

**VII. ADJOURNMENT:**

The meeting adjourned at 8:00 p.m. on a motion by Mr. Kearney, seconded by Mr. Calijone. 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 June 14, 2019 for approval at the Regular Meeting to be held on June 19, 2019.