

**TOWNSHIP OF MAHWAH
BOARD OF ADJUSTMENT**

MINUTES

MARCH 16, 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.

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. Kearney	Mr. Straffin
	Mr. Montroy	Mr. Whiteman

ABSENT:	Mr. Dator	Mr. Larson
	Mr. DeSilva	

PROFESSIONALS: Ben R. Cascio, Esq., Michael J. Kelly, P.E.

I. SWEARING IN OF APPOINTED MEMBER:

Mr. Tom Kearney, Class IV Member, was sworn in as an appointed Board of Adjustment Member for a term through December 31, 2018.

II. APPROVAL OF BILLS:

None to present.

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. No one was wishing to be heard.

VI. PUBLIC HEARINGS:

**1. DKT.#1192-06(A) A.D.P.P. ENTERPRISES, INC.
193 ROUTE 17 NORTHBOUND, BLOCK 55, LOTS 1, 2, 3 AND 4**

Amended Site Plan Application for the Installation of an Emergency Generator.

Mr. Stephen Tombalakian, Esq. of Weiner Lesniak, LLP appeared on behalf of the Applicant. Mr. Tombalakian indicated that the Applicant is before the Board for an Amended Site Plan Application for the Installation of an Emergency Generator at the above noted site. A.D.P.P. operates the Valero site on Route 17 northbound. The Applicant is expected to be awarded funding from the State for the installation of an emergency generator. Mr. Tombalakian noted that as per Condition No. 11 of the Approved Site Plan Resolution, the Applicant is required to come back to the Board changes to the site plan. It was noted that the testing of the generator would occur every other week for approximately ten to twelve minutes and the generator is expected to be a natural gas generator. It was noted that the neighbors are represented by Darryl Siss, Esq. who was unable to attend this meeting.

Mr. Jasvinder Arjani, R.A. of Bertin Engineering Associates, Inc. appeared before the Board. He described existing conditions and marked exhibits. The natural gas generator proposed would be located to the north of the existing convenience store, approximately seven (7') feet from the building and approximately 27.96 feet from the Applicant's north property line. Sound walls are proposed on three (3) sides of the generator. The Board questioned the appropriateness of locating the generator along the north side of the site adjacent to the residential properties. The Board asked about the possibility of locating the generator to the west side of the convenience store, south of the existing sound wall. Mr. Arjani noted that this would require losing one (1) of the existing 24 parking spaces on site. The Board noted that they are currently unaware of any existing parking issues at the site.

The meeting was open to the public.

Debra Matson, 142 Third Street appeared before the Board and indicated for the Board the location of her property. She asked the witness to locate on the exhibit where certain parking spaces were on site.

The meeting was closed to the public for questions of this witness.

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At this time, Mr. Tombalakian noted that there was no point in proceeding with the proposed generator location to the north of the convenience store if the Board feels strongly that it should be proposed in an area to the west of the convenience store. The Board took a straw poll with respect to losing one (1) parking space to provide the Applicant with the ability to install a generator at a location to the west of the existing convenience store where the generator would be located as close as possible to the building and behind the existing noise wall located on site. The result of the straw poll was in favor of the generator being located to the west of the building. Chairman Rabolli asked the opinion of the neighbors if they would have any issues with a generator located to the west of the building and it was the general consensus that was a more favorable location. The Board noted the public need for generators at gas stations and that it is in the public good.

Vicky Warnet, 37 Avenue A appeared before the Board and explained her concerns and issues with the gate installed at the northwest area of the site. This gate was to remain locked as part of the original site plan approval. Efforts by the Applicant to lock the gate have not been met with success and the gate lock continues to be broken and the gate does not lock.

Norman R. Dotti, P.E. of Russell Acoustics, LLC appeared before the Board. He has been previously qualified by the Board as a sound expert. This witness was asked by the Board whether moving the generator to the west of the building to the south of the sound wall would have any adverse affects. The witness's response was no. Mr. Tombalakian noted that A.D.P.P. would be agreeable to installing additional sound abatement measures, after the generator is installed, should it be determined by the Township Engineer that additional measures are required.

The Board then reviewed the proposed testing of the generator. The Applicant noted that the generator self tests. There were no further questions of the Applicant's sound expert.

The meeting was open to the public.

Vicky Warnet, 37 Avenue A noted that pedestrian traffic and auto traffic has increased along Avenue A to access the convenience store through the gate that is not locked. She also noted that employees of the Applicant live in a house owned by the Applicant on Avenue A and they utilize the gate to access the site. Exhibit O-1 was provided that depicted the broken gate.

Debra Matson, 142 Third Street appeared before the Board and indicated that she spoke to the State with respect to the awarding of the Grant money for this generator project.

Geri Entrup, 154 Third Street appeared before the Board and explained that the original generator location was proposed directly behind her property.

Catherine Walter, 35 Avenue A appeared before the Board and explained that she was appreciative that the generator would be moved to the west of the convenience store. She also noted that the gate and the fence is an issue.

The Public Hearing for this application was closed.

VII. WORK SESSION:

**1. DKT.#1192-06(A) A.D.P.P. ENTERPRISES, INC.
193 ROUTE 17 NORTHBOUND, BLOCK 55, LOTS 1, 2, 3 AND 4**

The Board then reviewed the Application noted above in Work Session. It was the general consensus of the Board to have the proposed generator location to the west of the convenience store resulting in the loss of one (1) parking space and would be subject to the evaluation by the Township Engineer to determine once the generator has been installed to determine if any additional sound abatement measures are required. The Board also noted that the testing time should be done between 11:00 a.m. and 12:00 noon on Tuesdays.

Motion to approve the application as noted above was made by Mr. Montroy and seconded by Mr. Whiteman. A roll call of members present revealed six (6) aye votes by Mr. Ervin, Mr. Kearney, Mr. Montroy, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

VIII. ADJOURNMENT:

The meeting adjourned at 8:55 pm.

These minutes were prepared by Michael J. Kelly, Administrative Officer.