

**TOWNSHIP OF MAHWAH  
BOARD OF ADJUSTMENT**

**MINUTES**

**MAY 4, 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. Ervin Mr. Rabolli  
Mr. Kearney Mr. Straffin  
Mr. Larson Mr. Whiteman

**ABSENT:** Mr. Dator Mr. Montroy  
Mr. DeSilva  
Mr. M. Kelly, PE

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

**I. APPROVAL OF BILLS:**

3/2/16; 3/16/16	\$500.00	Ben R. Cascio, Esq. – Attendance Two meetings
Period – February	\$660.00	Dkt.#1400-16 (Schenk)
	\$577.50	Dkt.#1399-15 (Nudelman)
	\$82.50	Dkt.#1398-15 (VanNatta)

A motion to approve was made by Mr. Whiteman, seconded by Mr. Kearney. A roll call vote revealed 6 aye votes by Mr. Ervin, Mr. Kearney, Mr. Larson, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

**II. APPROVAL OF MINUTES:**

**A. MINUTES OF FEBRUARY 17, 2016**

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

**B. MINUTES OF MARCH 16, 2016**

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

**III. MEMORIALIZING RESOLUTIONS:**

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

Resolution granting a third amended site plan approval to allow for the installation of an emergency backup generator.

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

**B. DKT.#1393-15 – KULDIP SINGH  
40 FRANKLIN TURNPIKE, BLOCK 68, LOT 5**

Resolution of Denial for a Use Variance and Site Plan with Bulk Variances and Waivers to construct a gas station.

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

**C. DKT.#1399-15 – RICHARD S. NUDELMAN  
132 GROVE STREET, BLOCK 50, LOT 73**

Amended resolution granting impervious lot coverage and setback variances to install an in-ground pool.

A motion to approve was made by Mr. Larson, seconded by Mr. Straffin. A roll call vote revealed 4 aye votes by Mr. Ervin, Mr. Larson, Mr. Rabolli and Mr. Straffin.

**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.#1402-16 – VIKAS GOEL  
10 BANTA COURT, BLOCK 56, LOT 46**

Application for lot coverage and improved lot coverage variances to construct a three-season sunroom addition.

Mr. Vikas Goel and Mr. Ted Kline, of CKH Industries 520 Temple Hill Road, New Windsor, NY approached and were both sworn in by Mr. Rabolli. Mr. Cascio indicated all notices were in order. The side and rear setbacks meet Township requirements; however, with the addition, lot coverage and improved lot coverage variances are being requested as they go over the permitted percentages. The lot is small and Mr. Goel indicated he would like more room in his home for his family. There were no further questions from the Board for either Mr. Goel or Mr. Kline.

Mr. Robert Sirianni, of 14 Banta Court approached. Mr. Sirianni lives next door to the Applicant. He questioned drainage and rain water and noted his concern. He stated there has been some flooding in the area in the past. Mr. Kline replied that when an addition was added a few years ago, a seepage pit was installed. They will use the same pit for runoff from the proposed addition. Mr. Kelly suggested that a condition of approval should include that no additional runoff be directed to any adjacent properties.

There were no further questions from the Board or the Public for this Application.

**B. DKT.#1403-16 – MITUL SHAH  
12 BAYBERRY DRIVE, BLOCK 124, LOT 23**

Application for a front-yard variance to construct a fence.

Mr. Mutal Shah approached and was sworn in by Mr. Rabolli. Mr. Cascio indicated all notices were in order.

Mr. Rabolli took a moment to explain the Board's procedures to several Mahwah High School students who were in attendance as part of a History project.

Mr. Shah would like to install a fence in his side yard, but due to his property being on a corner lot, he actually has two front yards. Fences higher than four feet are not permitted in a front yard per Township Code. Mr. Shah noted his property is also close to the cross section of East Crescent Avenue and Masonicus Road and lights from vehicles shine on and into his home. He is concerned with the safety of his children as Masonicus Road is a fairly busy road. He does not believe there will be any site distance issues; to which Mr. Kelly confirmed the proposed fence would not obstruct the site triangle. There was a short discussion on existing tree and hedge coverage.

Mr. Whiteman asked for clarification on the two plans submitted with the application. One plan did not have the fence in the correct location and was disregarded. The other plan, with the fence behind the front of the home, was marked as Exhibit A-1.

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

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

**VI. WORK SESSION:**

**A. DKT.#1402-16 – VIKAS GOEL  
10 BANTA COURT, BLOCK 56, LOT 46**

Application for lot coverage and improved lot coverage variances to construct a three-season sunroom addition.

A motion to approve was made by Mr. Whiteman, seconded by Mr. Kearney. A roll call vote revealed 6 aye votes by Mr. Ervin, Mr. Kearney, Mr. Larson, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

**B. DKT.#1403-16 – MITUL SHAH  
12 BAYBERRY DRIVE, BLOCK 124, LOT 23**

Application for a front-yard variance to construct a fence.

A motion to approve was made by Mr. Whiteman, seconded by Mr. Ervin. A roll call vote revealed 6 aye votes by Mr. Ervin, Mr. Kearney, Mr. Larson, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

**VII. ADJOURNMENT:**

The meeting adjourned at 8:08 pm on a motion by Mr. Whiteman, seconded by Mr. Kearney.