

**TOWNSHIP OF MAHWAH
BOARD OF ADJUSTMENT**

MINUTES

OCTOBER 21, 2015

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. DeSilva Mr. Ervin Mr. Rabolli	Mr. Straffin Mr. Whiteman
	Mr. M. Kelly, PE (in at 7:41pm) Mr. J. Layton, PP	
ABSENT:	Mr. Dator Mr. Kezmarsky	Mr. Larson Mr. Montroy
ATTORNEY:	Mr. Ben R. Cascio, Esq.	

I. APPROVAL OF BILLS:

None to present.

II. APPROVAL OF MINUTES:

None to present.

III. MEMORIALIZING RESOLUTIONS:

None to present.

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.#1394-15 – CADILLAC OF MAHWAH
319 ROUTE 17 NORTH, BLOCK 63, LOT 9**

Application for a sign variance due to height limitations.

Mr. DeSilva recused himself from this application.

Mr. Jason Nunnermacker, Esq., approached on behalf of the Applicant. Mr. Cascio indicated all notices were in order. Mr. Nunnermacker described the need for the variance request due to the spacing between the sign and the logo. He referred to the “Pylon Sign Proposed / Rendering,” which was marked as Exhibit A-1 and presented on poster board. Mr. Nunnermacker called Mr. Alex Galeano, President of CAD Signs, Hackensack, NJ. Mr. Galeano presented his background and was sworn in by Mr. Rabolli.

Mr. Galeano described Exhibit A-1, noting the proposed sign will be in the same location and will have the same height as the existing sign. The Mahwah Sign Ordinance limits the distance from the top of the logo to the bottom of the lowest letter to not exceed 48 inches. Upon questioning by Mr. Nunnermacker, Mr. Galeano described the sign as permitted by the Township Code. He noted corporate branding and indicated the graphic standards for the Cadillac logo. They are requesting to increase the space between the Cadillac symbol and the Mahwah lettering, citing height dimensions. Safety issues were mentioned and Mr. Galeano described a letter visibility chart. Moving the existing pylon sign is not feasible due to the existing tree line on the adjacent property.

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

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

Mr. Rabolli called Docket #1392-15 and moved back into the Public Hearing portion of the meeting. Mr. DeSilva returned to the dais for the next application.

**B. DKT.#1392-15 – SHARP PLAZA SG HOLDINGS, LLC
10 SHARP PLAZA, BLOCK 26, LOT 1**

Application for a minor subdivision, use variances, bulk variances and site plan approval to construct a new warehouse/office building.

Mr. Paul Kaufman, Esq., of Kaufman, Semeraro & Leibman, LLP approached on behalf of the Applicant. Mr. Cascio indicated all notices were in order. Mr. Kaufman mentioned the Highlands Council Consistency has been provided to the Township and the conditions will be met.

Mr. Kaufman called Mr. Botond Farkas. Mr. Farkas was sworn in by Mr. Rabolli. He is employed by the Sitex Group, owners of the property. Mr. Farkas presented his professional background and his experience in the warehouse field real estate industry. The site is 43 acres, and they are proposing to subdivide 20 acres for a warehouse. Mr. Farkas explained the industrial real estate industry and stated there is an industrial demand for distribution centers. He mentioned the need for high mechanization (examples are conveyor belts, bar coding) and fewer employees. Hours of operation, traffic, parking and office space availability were discussed. Mr. DeSilva questioned the anticipated number of employees and full utilization. Mr. Farkas replied this is dependent upon the tenant. There were no further questions for Mr. Farkas from the Board or the Public.

Mr. Kaufman called Mr. Edward Klimek, Partner of KSS Architects, Princeton, NJ. Mr. Klimek was sworn in by Mr. Rabolli. Mr. Klimek presented his background and qualifications and was accepted as an expert in architecture. Mr. Klimek referred to a site rendering, prepared by KSS Architects, which was also presented on poster board, and was marked as follows:

Exhibit A-1	Southwest Perspective
Exhibit A-2	South Perspective
Exhibit A-3	Elevations

Mr. Klimek explained the exhibits in detail. Mr. Kelly questioned whether roof top units will be shielded and if not, would the applicant comply if there is a condition to shield the units. Mr. Klimek replied he does not believe there will be any impact, and Mr. Kaufman noted they will comply if such a condition is imposed. There were no further questions for Mr. Klimek from the Board or the Public.

Mr. Kaufman called Mr. Alfred Coco, President of Menlo Engineering Associates, Highland Park, NJ. Mr. Coco was sworn in by Mr. Rabolli. Mr. Coco presented his background and qualifications and was accepted as an expert in civil engineering. The following exhibits were presented and marked during Mr. Coco's testimony:

Exhibit A-4	State Line Business Park – Overall Existing Conditions
Exhibit A-5	State Line Business Park – Existing Conditions
Exhibit A-6	State Line Business Park – Proposed Site Plan
Exhibit A-7	State Line Business Park – Truck Movement Sketch

Mr. Coco described the exhibits in detail starting with the overall existing conditions. He described the proposed minor subdivision noting the bulk variances being requested of impervious coverage, building coverage and FAR. If the property was not subdivided and acted as a single complex, variances would not be needed. The proposed subdivision helps with the maintenance of property taxes as it will create separate tax lots. Mr. Coco called this a financial subdivision. Mr. Kaufman noted a Highlands Consistency Determination has been received from the Highlands Council. Mr. Coco affirmed the conditions in this determination will be met. Mr. Kaufman also indicated a report was received from the Bergen County Planning Board. Mr. Kaufman referred to Boswell

Engineering's October 12, 2015 and October 14, 2015 reports and Mr. Coco's meeting with Mr. Michael Kelly. Mr. Coco stated that 90% of the comments in the reports can be satisfied but some additional testimony will be necessary to address the rest. Parking was mentioned and will be discussed further through the testimony of their traffic expert.

Mr. Coco noted several design waivers such as depressed curb lengths and driveway curb radius. He continued testifying and referred to Boswell Engineering's October 12, 2015 report explaining in detail items e – k on Page 6 and all items under the "Site Plan" section. He proceeded to comment on the different item sections noted within the report such as Parking, Traffic, Stormwater Management, Water Service Utilities, Sanitary Sewer Utilities, Lighting, Landscape Plan and Tree Removal, Soil Movement, Environmental, Soil Erosion and Sediment Control, Architectural Drawings and Signs. Referencing the meeting with Mr. Kelly, Mr. Coco presented Exhibit A-7 and described in detail. He will provide this exhibit to Boswell Engineering for their review. Mr. Kaufman mentioned an application will be submitted to the DOT to improve Route 17 access. Mr. Kelly questioned landscaping and asked if landscaping can be added to the east side of the site as residential homes are on the other side of the river. Mr. Kaufman indicated there would be no problem enhancing the landscaping in this area.

Mr. Kelly questioned Items 14, a-d, of the October 12, 2015 report. Mr. Coco replied all items will be addressed. Upon questioning by Mr. Layton, subdivision lot lines were discussed. Mr. Coco noted they tried to manipulate the lines in several ways. The existing baseball field and tennis court will be eliminated as they are no longer in use. There were no further questions for Mr. Coco from the Board or the Public.

Mr. Kaufman called Mr. Dan Disario, Langan Engineering, Elmwood Park, NJ. Mr. Disario was sworn in by Mr. Rabolli. Mr. Disario presented his background and qualifications and was accepted as an expert in traffic engineering. He began by stating traffic is anticipated to be coming from ports from the south. Truck traffic and traffic on the local highways were discussed including traffic for the Crossroads and the Pilot Service Station. Mr. Disario referred to his prepared report dated June 26, 2015 which was sent to the Board. He testified to trip generation data contained in Trip Generation, 9th edition, published by the Institute of Transportation Engineers (ITE) to estimate the site trips associated with the warehouse building. As part of the Site Plan review, Mr. Disario described parking and anticipates the parking proposed will adequately accommodate the parking demands of the existing and proposed warehouse buildings. Mr. Kaufman referred to Boswell Engineering's October 14, 2015, to which Mr. Disario indicated all items have been addressed. There were no further questions for Mr. Disario from the Board or the Public.

Mr. Kaufman called Mr. John McDonough, John McDonough Associates, 101 Gibraltar Drive, Morris Plains, NJ. Mr. McDonough was sworn in by Mr. Rabolli and has previously testified before the Board. He was accepted as an expert professional planner. Mr. McDonough noted the variances/waivers being requested. A set of three sheets, prepared by Mr. McDonough, of photographs of the site and surrounding properties was presented and marked as Exhibit A-8. The photographs were described in detail. The plan is to subdivide the area into two lots, Lot 1A and Lot 1B. There will be no change in

operations to the existing use on Lot 1A and the proposed use on Lot 1B will be a similar, light industrial use.

Mr. McDonough described what uses are permitted in the OP200 (Office Park) district. The five forms of relief being requested are D1 Variance, D4 Variance, Two (2) C Variances and a design waiver for parking supply. Mr. McDonough described the relief requests in detail and believes the benefits outweigh the detriments. Upon questioning by Mr. Layton, there was a short discussion on how the Medici Standard applies for this application. There were no further questions for Mr. McDonough from the Board or the Public.

Mr. Cascio mentioned there may be a concern with having a condition for the improvement of the highway access subject to DOT approval. Mr. Kaufman suggested the condition be the applicant submits an application to the DOT to improve the highway access.

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

VI. WORK SESSION:

A. DKT.#1394-15 – CADILLAC OF MAHWAH 319 ROUTE 17 NORTH, BLOCK 63, LOT 9

Note: Work Session was held immediately after the Public Hearing for this docket.

Application for a sign variance due to height limitations.

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

B. DKT.#1392-15 – SHARP PLAZA SG HOLDINGS, LLC 10 SHARP PLAZA, BLOCK 26, LOT 1

Application for a minor subdivision, use variances, bulk variances and site plan approval to construct a new warehouse/office building.

Mr. Rabolli summarized the application. A motion to approve, with several conditions, was made by Mr. Whiteman, seconded by Mr. DeSilva. A roll call vote revealed 5 aye votes by Mr. DeSilva, Mr. Ervin, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

VII. ADJOURNMENT:

The meeting adjourned at 9:45 pm on a motion by Mr. Whiteman, seconded by Mr. DeSilva.

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