

**TOWNSHIP OF MAHWAH
BOARD OF ADJUSTMENT**

MINUTES

OCTOBER 3, 2018

The combined public/work session meeting of the Board of Adjustment held at the Municipal Building, 475 Corporate Drive, Mahwah, NJ beginning at 7:32 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.

PRESENT:

Mr. DeSilva	Mr. Rabolli
Mr. Kearney	Mr. Straffin
Mr. Montroy	Mr. Whiteman

ABSENT:

Mr. Almeda	Mr. Larson
Mr. Dator	

ATTORNEY: Mr. Ben R. Cascio, Esq.

ADMINISTRATIVE OFFICER: Geraldine Entrup

I. APPROVAL OF BILLS:

8/1/18	\$200.00	Maser Consulting, P.A. Meeting Attendance
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A motion to approve the bill was made by Mr. DeSilva, seconded by Mr. Montroy. A roll call vote revealed 6 aye votes by Mr. DeSilva, Mr. Kearney, Mr. Montroy, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

II. APPROVAL OF MINUTES:

A. MINUTES OF AUGUST 15, 2018

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

III. MEMORIALIZING RESOLUTIONS:

**1. DOCKET #1445-18 – TIMOTHY LETAVISH
68 OWENO ROAD, BLOCK 94, LOT 6**

Resolution granting C Variance approval to construct a deck and an above ground pool with the condition that a fence be installed.

A motion to approve was made by Mr. DeSilva, seconded by Mr. Montroy. A roll call of eligible voters revealed 4 aye votes by Mr. DeSilva, Mr. Montroy, Mr. Rabolli, and Mr. Whiteman.

**2. DOCKET #1446-18 – GLAMOUR PETS BOUTIQUE
190 FRANKLIN TURNPIKE, BLOCK 71, LOTS 18 & 19**

Resolution granting D Use Variance approval to operate a dog and cat grooming facility.

A motion to approve was made by Mr. Whiteman, seconded by Mr. Montroy. A roll call of eligible voters revealed 4 aye votes by Mr. DeSilva, Mr. Montroy, Mr. Rabolli, and Mr. Whiteman.

IV. OPEN TO THE PUBLIC:

Mr. Rabolli opened the meeting to the Public for general questions or statements.

Mr. John Fesen of 20 Falcon Court approached and stated that broadcasting of the Board of Adjustment Meetings is a wonderful idea. Mr. Fesen asked if the meetings would be re-broadcast. Ms. Entrup stated that the meetings will be archived and she will find out if they will also be re-broadcast on the cable channel.

V. PUBLIC HEARING(S):

**1. DOCKET #1448-18 – JOSHUA BORNSTEIN
10 W. DEERFIELD ROAD, BLOCK 24, LOT 8**

Application for a C Variances to construct a front entrance canopy and rear deck stairs.

Mr. Cascio stated that the notice was in order.

Mr. Johsua Bornstein, homeowner, and Mr. Peter Cooper, Landscape Architect, 14 Overbrook Road, Ramsey, NJ both approached and were sworn in by Mr. Rabolli.

Mr. Rabolli stated that Mr. Cooper is recognized as an expert in the area of architecture. Mr. Cooper explained that there are two parts to the Variance, and there are three variances. The first part is the proposed front canopy. There is no covered porch over the front entrance. There is a stoop platform. Proposed is a gabled canopy measuring 14 feet wide and 5 ½ feet deep, roughly the same size as the existing platform. The second part has to do with the side yard setback. Where 40 foot is required; 36.9 feet is provided, 3.1 feet is non-conforming. Proposed is a stair platform to replace the railroad tie stairs that are deteriorating. The stair platform is part of the larger project which is replacing the deck that is also in bad shape. The third variance is the combined side yard setback. Where 80 foot is required; 79.1 feet is provided, .9 feet is non-conforming. The property has extremely steeped slopes. There is roughly a 40 foot drop between the finished floor of the house and the front yard at the street. It rises in the back, past the deck approximately another 50 feet. The house is nestled between the two steep conditions in the front yard and back yard. There is very little space opportunity. The house is existing non-conforming. It is set roughly 4 feet into the front yard setback.

Mr. Cooper continued, stating that the Applicant is proposing a canopy for safety. The canopy will be appropriate for the house in both appearance and in size. Mr. Cooper referred to drawings showing the gabled canopy. There is a seventeen (17) foot drop from the deck to the driveway. To negotiate the stairs to make them work, half of the stairs are set in bluestone. To ease the transition between so many stairs, a platform is required. It is a significant access way to use the deck for personal use, bringing things into the house and for entertaining. The deck needs to be safe and durable. The many environmental factors, such as steep slopes, run-off, etc. are being considered.

Mr. Cooper stated that the variances requested are compelling with regard to both safety and access. He noted the following; C1 hardship of topography, the existing house is non-conforming, the lot width is undersized; where 200 feet is required, 180.25 feet is provided and steep slopes.

Mr. Montroy stated that the Building Code requires an intermediate platform after fourteen steps for both interior and exterior. More than fourteen risers needs a platform to comply with the Building Code. Regarding safety, discussion took place between Mr. Kearney and Mr. Cooper including the canopy, walkway, stone, difficult rise and access. Mr. Cooper commented that the Bornsteins are visiting all means of access to the house, including areas that do not require a variance.

Mr. Cascio requested confirmation of the setbacks triggering the variances. Mr. Cooper responded that the canopy needs a front yard variance for the 60 foot requirement. Mr. Cooper stated that the right side yard and left side yard are conforming, but the combined setback requires a variance.

Mr. Whiteman questioned if there were any issues with Boswell's letter dated September 24, 2018. Mr. Cooper replied; none. Mr. Cooper commented that he had spoken with the Deerhaven Homeowner's Association, and they are very appreciative.

There were no more questions for Mr. Cooper or Mr. Bornstein.

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

VI. WORK SESSION:

2. DOCKET #1448-18 – JOSHUA BORNSTEIN 10 W. DEERFIELD ROAD, BLOCK 24, LOT 8

Application for a C Variances to construct a front entrance canopy and rear deck stairs.

Mr. Rabolli summarized referencing the Bulk C Variances and stated that there is significant hardship with regard to the topography of the property. He made reference to the code revision requirement of a landing every 14 steps, the modifications and improvements being done for safety. There is no detriment to the public good.

Mr. Montroy stated that the roof of the deck should not extend past what is there now and referenced the Building Code. Mr. Cascio referenced the Construction Code Ordinance. Mr. Cooper commented that front to back is the same; he could not affirm the width will remain the same. For the record, it has been made a condition of approval that the roof of the deck not extend beyond the existing platform toward the front yard.

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

VII. ADJOURNMENT:

A motion to adjourn was made by Mr. Whiteman, seconded by Mr. Montroy. All voted in favor.

The meeting adjourned 7:59 pm.

These minutes were prepared by Sylvia Gerou, Zoning Board Recording Secretary. The minutes were provided to the Board of Adjustment on October 12, 2018 for approval at the Regular Meeting to be held on October 17, 2018.