

**TOWNSHIP OF MAHWAH  
BOARD OF ADJUSTMENT**

**MINUTES**

**September 18, 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. Whiteman, Vice 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.

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

**PRESENT:**

Mr. Calijone	Mr. Montroy
Mr. Cannava	Mr. Straffin
Mr. DeSilva	Mr. Whiteman
Mr. Jackson	

**ABSENT:**

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

**I. APPROVAL OF BILLS:**

8/7/19 & 8/21/19	\$500.00	Ben Cascio, Esq. – Attendance Two meetings
8/21/19	\$200.00	Maser Consulting - Attendance

A motion to approve the bills was made by Mr. Montroy, seconded by Mr. Straffin. A roll call vote revealed 7 aye votes by Mr. Calijone, Mr. Cannava, Mr. DeSilva, Mr. Jackson, Mr. Montroy, Mr. Straffin and Mr. Whiteman.

**II. APPROVAL OF MINUTES:**

**A. MINUTES OF APRIL 3, 2019**

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

**B. MINUTES OF JULY 24, 2019**

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

**III. MEMORIALIZING RESOLUTIONS:**

**1. DOCKET #1460-19 – FRANK AND JILL CHICHERCHIA  
91 BRIDLE PATH LANE, BLOCK 1, LOT 114**

Resolution of Approval for a “C” Variance for a second accessory structure.

Mr. Cascio read from the Resolution.

During Work Session, Mr. Cannava requested that the special circumstances of the driveway be added to the Resolution.

A motion to approve was made by Mr. Montroy seconded by Mr. Straffin. A roll call vote of eligible voters revealed 5 aye votes by Mr. Cannava, Mr. DeSilva, Mr. Montroy, Mr. Straffin and Mr. Whiteman.

**2. DOCKET #1466-29 – HMH CARRIER CLINIC, INC.  
1071 RAMAPO VALLEY ROAD, BLOCK 23, LOT 45**

Resolution of Approval for a “D” Use Variance to permit the operation of the property as a Behavioral Health, Substance Abuse, Detoxification and Residential Rehabilitation Center.

Mr. Cascio read from the conditionally approved Resolution.

Mr. Whitaker requested that ‘No employees are to drive the vans’ be read into the record.

Mr. Whiteman questioned the wording on page 4 of the Resolution; outpatient and inpatient, since the hours were 8:00 a.m. – 10 p.m. It was clarified by Mr. Whitaker that

the wording was for licensing purposes for the future application regarding the whole facility.

A motion to approve was made by Mr. Montroy seconded by Mr. DeSilva. A roll call vote of eligible voters revealed 6 aye votes by Mr. Cannava, Mr. DeSilva, Mr. Jackson, Mr. Montroy, Mr. Straffin and Mr. Whiteman.

**IV. OPEN TO THE PUBLIC:**

Mr. Whiteman opened the meeting to the Public for general questions or statements. None were received.

**V. PUBLIC HEARING(S):**

**1. DOCKET #1464-19A – JOSEPH HALLAK  
29 JAMES BRITE CIRCLE, BLOCK 21.01, LOT 20**

Application amendment for “C” Variances to install a walkway and patio which exceeds Improved Lot Coverage, as well as the enlargement and change of location of an in-ground pool previously approved in a front yard.

Mr. Cascio stated that the notice was in order.

**Mr. Joseph Hallak, Homeowner of 29 James Brite Circle**, approached and was sworn in by Mr. Cascio. **Mr. Lou Longo, Aqua Pools, 17 James Brite Circle**, also approached and was sworn in by Mr. Cascio.

Mr. Hallak described the Amended Application and stated that lot coverage is being exceeded. Mr. Hallak referenced Mr. Kelly’s Boswell report dated August 28, 2019, where Mr. Kelly stated that “the bocce court, horseshoe pit and fire pit must be included in the improved lot coverage calculation, and the variance request must be amended accordingly”.

Mr. Hallak presented seven (7) photos into evidence.

Exhibit A1 - Driveway.

Exhibit A2 - Driveway to the left. The macadam driveway and utility easement go all the way back to the second house and is almost 2,000 square feet.

Township of Mahwah  
Board of Adjustment Meeting Minutes  
September 18, 2019

Mr. Hallak commented that he did not realize that the easement would be included as part of his property and would be counted as impervious coverage. He also stated that he would ask the question of the Township Engineer, who's responsibility it is.

- Exhibit A3 - Reverse angle of the driveway showing how long the easement is.
- Exhibit A4 - House behind 29 James Brite Circle.
- Exhibit A5 - Bocce Court – 717 square feet of dirt and moss
- Exhibit A6 - Horseshoe Pit – 384 square feet outlined with pavers
- Exhibit A7 - Remaining property; location of proposed pool

Total – over 3,000 square feet

A discussion took place regarding lot coverage. Mr. Longo stated that the plans originally showed 31.8%, but were revised to 33.7% which is over by 3.8%. Mr. Hallak added that in order to do the job properly, 33.7% is needed with the pavers included. Regarding the seepage pit question by Mr. Jackson, Mr. Longo stated that Boswell Engineering always includes a seepage pit for the calculation of run-off. The perimeter drains around the pool all go to the seepage pit.

Mr. Hallak commented that he would like to keep the bocce court, but would remove the pavers around the horseshoe pit, which prevent usage as a horseshoe pit. Removing the horseshoe pit and bocce court, which are 2.4%, the lot coverage would be down to 31.3%. In response to Mr. Cannava's question; would removing the macadam driveway easement result in being under the required lot coverage without the utility driveway, Mr. Longo stated that without the driveway, which is 4.4%, it would be 29.3%; under the required 30%. Mr. Cascio stated that the lot coverage for a driveway or easement applies to the lot it sits on.

The final percentage of coverage after removing the 372 square feet, (.8%) of pavers, is 32.9%. The driveway is 1,920 square feet leaving 29.3%. The bocce court is 1.6% and will be included in the improved lot coverage.

Mr. Whiteman commented that looking at the September 4, 2019 site plan; 15,551 square feet of impervious coverage is indicated. Mr. Longo confirmed that the number was corrected to be 14,551 square feet. If the 1,920 square feet for the driveway easement was subtracted, the total improved lot coverage square footage would be under the permitted 30%.

There were no further questions from the Board or the Public for Messers. Hallak or Longo.

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

**VI. WORK SESSION:**

**1. DOCKET #1464-19A – JOSEPH HALLAK  
29 JAMES BRITE CIRCLE, BLOCK 21.01, LOT 20**

Application amendment for “C” Variances to install a walkway and patio which exceeds Improved Lot Coverage, as well as the enlargement and change of location of an in-ground pool previously approved in a front yard.

Mr. Whiteman summarized and stated that the easement puts the Application over the impervious lot coverage, removing it and the pavers around the horseshoe pit brings it under. The bocce court will remain as impervious coverage. This is a unique situation on the lot where 4% of the coverage benefits the easement to the other lot.

A motion to approve was made by Mr. Montroy, seconded by Mr. Jackson. A roll call vote revealed 7 aye votes by Mr. Calijone, Mr. Cannava, Mr. DeSilva, Mr. Jackson, Mr. Montroy, Mr. Straffin and Mr. Whiteman.

**2. DOCKET #1460-19 – FRANK AND JILL CHICHERCHIA  
91 BRIDLE PATH LANE, BLOCK 1, LOT 114**

Resolution of Approval for a “C” Variance for a second accessory structure.

Mr. Cannava requested that the special circumstances of the driveway going uphill be added to the Resolution.

A motion to go out of Work Session and adjourn was made by Mr. DeSilva, seconded by Mr. Jackson. All voted in favor.

**VII. ADJOURNMENT:**

The meeting adjourned at 8:16 p.m.

These minutes were prepared by Sylvia Gerou, Zoning Board Recording Secretary. The minutes were provided to the Board of Adjustment on September 27, 2019 for approval at the Regular Meeting to be held on October 2, 2019.