

**TOWNSHIP OF MAHWAH
BOARD OF ADJUSTMENT**

MINUTES

SEPTEMBER 19, 2018

The combined public/work session meeting of the Board of Adjustment held at the Municipal Building, 475 Corporate Drive, Mahwah, NJ beginning at 7:31 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. Almeda (In at 8:07 p.m.) Mr. Montroy
Mr. Dator Mr. Rabolli
Mr. DeSilva Mr. Whiteman
Mr. Larson

ABSENT: Mr. Kearney Mr. Straffin

ATTORNEY: Mr. Ben R. Cascio, Esq.

ADMINISTRATIVE OFFICER: Ms. Geraldine Entrup

PROFESSIONALS: Mr. Michael J. Kelly, P.E.
Ms. Debbie Alaimo Lawlor, FAICP, P.P.

I. APPROVAL OF BILLS:

8/1/18 & 8/15/18 \$500.00 Ben R. Cascio, Esq. – Attendance
Two meetings

A motion to approve the bills was made by Mr. Whiteman, seconded by Mr. Montroy. A roll call vote revealed 6 aye votes by Mr. Dator, Mr. DeSilva, Mr. Larson, Mr. Montroy, Mr. Rabolli and Mr. Whiteman.

II. APPROVAL OF MINUTES:

A. MINUTES OF JULY 18, 2018

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

B. MINUTES OF AUGUST 1, 2018

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

III. MEMORIALIZING RESOLUTIONS:

**1. DOCKET #1441-18 – JACOB & AMY BOGATCH
27 SPRUCE STREET, BLOCK 6, LOTS 1 & 29**

Resolution granting Variance Approval to build a single family home on a lot that does not have frontage on an approved street, Slope Waiver and Soil Movement.

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

**2. DOCKET #1442-18 – ANDREA TOMPOROWSKI, ESTATE OF
THADDEUS TOMPOROWSKI
90 RAMAPO VALLEY ROAD, BLOCK 40, LOTS 104 & 105**

Resolution granting a Certificate of Non-Conformity to permit the use of the property as a two-family residence.

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

IV. OPEN TO THE PUBLIC:

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

V. PUBLIC HEARING(S):

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

Application for C Variances to construct a deck and an above ground pool.

Mr. Cascio stated that the notice was in order.

Mr. Timothy Letavish of 68 Oweno Road approached and was sworn in by Mr. Rabolli. Mr. Letavish stated that he is proposing to add an above ground pool and a 32 x 25 foot deck. He currently has an 18 x 7 foot paver patio with a slope. The deck would eliminate the slope. By building the deck, it would be in violation of lot coverage and rear setback which would be roughly 16 feet. Mr. Whiteman commented that the lot was like an L, an oddly shaped lot. There were no questions from the Board or the Public for Mr. Letavish.

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

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

Application for a D Use Variance to operate a dog and cat grooming facility.

Mr. Cascio stated that the notice was in order.

Mr. Bruce Whitaker of McDonnell & Whitaker, LLC, 245 East Main Street, Ramsey, NJ approached on behalf of the Applicant, Glamour Pets Boutique, trading as Glamour Paws Boutique. Mr. Whitaker stated that the Application is for a D Use Variance to permit the Applicant to operate a dog and cat grooming facility at 190 Franklin Turnpike, Block 71, Lots 18 & 19, located in a commercial strip center. There was previously an approval granted for a taekwondo style use at this location. Being the second use of this kind in the area within the last two years, Mr. Whitaker indicated that there are a number of uses missing in the downtown area. Although uses have changed in most municipalities, codes do not change as quickly. The Code states that unless it is specifically listed for use in the B10 Zone, it is not permitted. There are a number of specific uses in the B10 Zone; for example, barber shops and beauty parlors are permitted, but pet grooming is not. Pet grooming is, however, now permitted in the downtowns of Allendale, Hohokus, Ridgewood, Oakland and Wyckoff.

The Applicant's request is for a Use Variance to permit the pet grooming use. There is no construction or modification being done to the building. The area being rented will properly accommodate this use. The Applicant will be a hands-on operator with two other employees for grooming, and an additional employee for shampooing. Grooming services are done by appointment only, an in and out service. The hours of operation will be fine-tuned based on customers. Mr. Whitaker stated the use is an acceptable use in the downtown area, has ample parking, and is a style of service found in retail. Mr. Rabolli asked what is permitted in regard to Pet Stores. Mr. Whitaker replied that they are permitted in a shopping center, but not downtown. Ms. Geraldine Entrup commented that it is only permitted in the B200 Zone, which is Shopping Center Business. Mr. Whitaker stated that B10 does not permit B200 uses, but the B12 Zone does. The Applicant has entered into a Lease Agreement for this approximately 1,200 square foot facility, subject to Land Use Approval.

Mr. Gregory Bolle, the Applicant, of 154 Miller Road approached and was sworn in by Mr. Rabolli. Mr. Bolle stated that he has been in the dog grooming business for three years and is a graduate of the NY Academy of Dog Grooming and recently completed a Business Practices Program. His Business Plan states the hours of operation as 8:30 a.m. – 5:30 p.m. by appointment, with some walk-ins. Evenings will be exclusively by appointment during the hours of 6:00 p.m. – 8:00 p.m. Mr. Whitaker questioned Mr. Bolle as far as ownership of Glamour Pets and the Application submitted, and asked about the fit-up of the facility. Mr. Bolle stated that there will be workstation tables and a counter/reception area. The facility will be divided into two; Public, and Employees Only. There will be very limited retail sales; pet clothing, leashes, collars and shampoos; no food sales other than dog treats and no boarding of pets.

Mr. Bolle commented that he has developed registration and release forms for customers' contact information including emergency phone numbers for release to take a pet to the vet if required. If someone does not pick up their pet, the pet will either be transported to the home or taken to a boarding facility at the expense of the pet owner. This is an industry standard. Pet grooming services are prevalent in other communities as already stated by Mr. Whitaker. Additionally, Allendale in the center of Town, Ramsey off the main drive in a shopping center with Walgreens, Ruff Cuts here in Mahwah on Ramapo Valley Road and one on Miller Road.

The Board of Health had some issues pertaining to health code standards; cleanliness, dogs coming and going and not creating a health hazard outside the facility. Mr. Bolle stated that a commercial grade 256 disinfectant, very highly concentrated, diluted to parts needed, would be used; a sign will be posted – Relieve your pets prior to appointment, Glamour Pets is not providing a dog walking service. There is an understanding with the Landlord that dog owners are not permitted to allow the dogs to relieve themselves outside the facility. This notice is also on the Lease. If something does happen outside, it

will be cleaned and disinfected. Turn-around time is 2-3 hours per pet. The maximum number of pets will be fifteen. Approval from the Board of Health has been granted.

Mr. Whitaker confirmed with Mr. Bolle that the site is suited for a dog grooming business and the parking is sufficient. Mr. Rabolli questioned which of the two entrances customers would use; the main entrance or parking lot entrance. Mr. Bolle stated it would be the parking lot entrance.

There were no other questions for this witness from the Board or the Public. There were no other witnesses.

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

VI. WORK SESSION:

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

Application for C Variances to construct a deck and an above ground pool.

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

Mr. Rabolli summarized and stated the Applicant is looking to put a pool in his back yard. Because the yard is an irregular shape, it hits into a rear yard setback. If it were square or rectangular, it would be ok. It is a text book definition of a C Variance because of the uniqueness of the lot. It is a residential swimming pool with no detriment to the Public good. Mr. Rabolli stated that Mr. Letavish has demonstrated hardship because of the circumstances of the lot.

A motion to approve was made by Mr. DeSilva, seconded by Mr. Montroy. A roll call of eligible voters revealed 6 aye votes by Mr. Dator, Mr. DeSilva, Mr. Larson, Mr. Montroy, Mr. Rabolli, and Mr. Whiteman.

Mr. Rabolli informed Mr. Letavish that the matter was approved, a Resolution would be drafted and appear before the Board at the next meeting for approval. It will then be published in the newspaper with a 45 day appeal process timeframe. He advised Mr. Letavish that he would proceed at his peril if construction began prior to the completion of the 45 days. Mr. Montroy reminded Mr. Letavish that he needed permits.

A motion to return to the Public Hearing portion of the meeting was made by Mr. Whiteman, seconded by Mr. Montroy. All voted in favor.

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

Application for a D Use Variance to operate a dog and cat grooming facility.

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

Mr. Rabolli summarized and stated that the Applicant is seeking a D Variance because the Code does not specifically address pet grooming. The Code is a permissive code, meaning if it is not permitted, it is prohibited. The issue is in regard to pet waste. The Applicant has proposed, credibly, a method for addressing pet waste; notice in the Lease and signs posted regarding relieving the pet(s) before bringing them to the facility, and promise that it will be attended to promptly, as this facility has a convenience store, restaurant and a dry cleaners. Mr. Rabolli stated that it has been satisfactorily addressed and he made a recommendation that it be moved affirmatively.

A motion to approve was made by Mr. Whiteman, seconded by Mr. DeSilva. A roll call of eligible voters revealed 6 aye votes by Mr. Dator, Mr. DeSilva, Mr. Larson, Mr. Montroy, Mr. Rabolli and Mr. Whiteman.

Remaining in Work Session, Ms. Geraldine Entrup informed the Board that beginning October 3, 2018, the Board of Adjustment meetings will be broadcast live on the Township Website and Cable Television. Notice will be posted on the three entry doors to the Courtroom and added to the Opening Statement read by the Chairman of the Board at the start of each meeting. Ms. Entrup explained the process that will take place to begin and end the broadcasting and the 15 – 20 second delay to ensure all in attendance are aware of start and end times.

VII. ADJOURNMENT:

A motion to adjourn was made by Mr. Dator, seconded by Mr. DeSilva. All voted in favor.

The meeting adjourned 8:25 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.