

**TOWNSHIP OF MAHWAH
BOARD OF ADJUSTMENT**

MINUTES

SEPTEMBER 6, 2017

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

ABSENT:	Mr. Almeda	Mr. Larson
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ATTORNEY:	Mr. Ben R. Cascio, Esq.
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I. APPROVAL OF BILLS:

8/2/17; 8/16/17	\$500.00	Ben R. Cascio, Esq. – Attendance Two meetings
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A motion to approve was made by Mr. Whiteman, seconded by Mr. Montroy. A roll call vote revealed 7 aye votes by Mr. Dator, Mr. DeSilva, Mr. Kearney, Mr. Montroy, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

II. APPROVAL OF MINUTES:

A. MINUTES OF JUNE 7, 2017

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

B. MINUTES OF JULY 19, 2017

A motion to approve was made by Mr. Rabolli.

III. MEMORIALIZING RESOLUTIONS:

**A. DKT.#1426-17 – PRADEEP KAPOOR & ARADHANA ARORA
15 ARONOW PLACE, BLOCK 126, LOT 126.04**

Resolution granting a Front-Yard Variance to Construct a Fence on a Corner Lot.

A motion to approve was made by Mr. Straffin, seconded by Mr. Kearney. A roll call vote revealed 3 aye votes by Mr. Kearney, Mr. Straffin and Mr. Whiteman.

**B. DKT.#1427-17 – SECOR FARMS
168 & 85 AIRMONT AVENUE
BLOCK 120.01, LOTS 132, 133 & 133Q Farm**

Resolution granting a Use Variance to permit a greenhouse to be used as a seasonal café.

A motion to approve, with one minor revision to Condition #1, was made by Mr. Kearney, seconded by Mr. Straffin. A roll call vote revealed 3 aye votes by Mr. Kearney, Mr. Straffin 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 HEARINGS:

**A. DKT.#1428-17 – RICHARD MARCHESI
0 STAG HILL ROAD, BLOCK 9, LOT 2**

Application for a Variance to Build on an Undersized Lot, Unimproved Street and Related Bulk Variances.

Mr. Bruce Whitaker, Esq., of McDonnell & Whitaker, LLC, approached on behalf of the Applicant. Mr. Cascio indicated all notices were in order. Mr. Whitaker presented an overview of the application as noted in the Statement of Facts submitted with the application. The Applicant is seeking an approval to construct a two-story single-family dwelling with an attached garage. The proposed home will be modest in size. The Tax Assessor will be providing a house number.

Mr. Whitaker indicated there are lot width, lot area, side-yard setback one side and combined side-yard setback deficiencies. From a building coverage standpoint, the lot will be 7.25% where 15% is permitted. Mr. Whitaker noted the Applicant is also seeking relief for frontage upon a street. Although Stag Hill is improved, it is not an approved street.

Mr. Whitaker called Mr. Robert Weissman of Weissman Engineering, 686 Godwin Avenue, Midland Park, NJ. Mr. Weissman was sworn in by Mr. Rabolli and accepted as an expert civil engineer. Mr. Weissman presented the following plan on poster board which was marked as follows:

Exhibit A-1 Plot Plan, Soil Erosion and Sediment Control Plan, Lot 2, Block 9, 0 Stag Hill Road, Township of Mahwah, Bergen County, New Jersey, dated 3/9/17, prepared by Robert J. Weissman, P.E. & L.S.

Mr. Weissman described the plan in detail citing each variance being requested. He mentioned the lot was irregular in shape and lot lines in the area are not demarcated. The front-yard setback will be met. The overall improved lot coverage will be 15.14% where 30% is permitted. Stag Hill Road is not a Township approved road; however, it is improved and is safe for emergency access. The proposed home will have access directly from Stag Hill Road. Referencing Application Review Reports received from the internal Township Departments, the Fire Prevention Department commented the driveway should be wider. There was a comment from the Environmental Commission regarding the number of trees to be removed. Mr. Weissman stated nine (9) trees are proposed to be removed with three (3) replacement trees planted. The Applicant will comply with all Board of Health regulations regarding the installation of the septic and well. Mr. Weissman advised the proposed home would qualify for Exemption #2 on the Highlands Exemption Determination Application. A photo rendering of the proposed home was presented and marked as Exhibit A-2.

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

Mr. Whitaker called Mr. Richard Marchesi, 165 Eastview Drive, Mahwah, NJ. Mr. Marchesi was sworn in by Mr. Rabolli. Mr. Marchesi is a lifelong Mahwah resident and has been in construction on and off since 1989. He described the Stag Hill area and the surrounding homes.

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

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.#1428-17 – RICHARD MARCHESI 0 STAG HILL ROAD, BLOCK 9, LOT 2

Application for a Variance to Build on an Undersized Lot, Unimproved Street and Related Bulk Variances.

A motion to approve, with the condition to increase the driveway to 15 feet, was made by Mr. Whiteman, seconded by Mr. Montroy. A roll call vote revealed 6 aye votes by Mr.

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DeSilva, Mr. Kearney, Mr. Montroy, Mr. Rabolli, Mr. Straffin and Mr. Whiteman, with Mr. Dator abstaining.

B: DISCUSSION:

Mr. Rabolli addressed the Board members regarding recent correspondence received as to the Ramapough Mountain Indians at 95 Halifax Road. An incomplete application was submitted to the Township and then withdrawn. Mr. Rabolli noted that neither appropriate fees nor a site plan were submitted with the application, which the Board Members did not receive as it was never deemed complete. Currently, there is litigation being heard in State Court.

VII. ADJOURNMENT:

The meeting adjourned at 8:22 pm on a motion by Mr. Montroy, seconded by Mr. DeSilva.

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