

**TOWNSHIP OF MAHWAH
BOARD OF ADJUSTMENT**

MINUTES

APRIL 20, 2011

The combined public/work session meeting of the Board of Adjustment held at the Municipal Building, 475 Corporate Drive, Mahwah, NJ, beginning at 8:01 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. Rabolli Mr. DeSilva
 Mr. Cimis Mr. Laforet
 Mr. Savino Mr. Larson
 Mr. Dator

ABSENT: Mr. Whiteman Mr. Kezmarsky

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:

There was a short discussion on certifications and listening to the CDs from prior meetings. The March 16, 2011 meeting CDs need to be sent to Mr. Savino and Mr. DeSilva.

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

Mrs. Debra Matson approached regarding Docket #1192-06 SP & S, ADPP Enterprises, Inc. Mrs. Matson noted she had prior representation by Mr. Darryl Siss. She wanted to make the Board aware that there are several items that are not complete per the schedule approved within the resolution, such as the canopy lights still being visible and employees using the back door. She asked what actions would be taken. Mr. Cascio referred to the letter dated April 14, 2011 from Boswell Engineering to Mr. Gary Montroy regarding ADPP that was in the Board's packets. Mrs. Matson believed everything was done and no longer needed her attorney for representation. A copy of the Boswell letter, which Mr. Siss was copied on, was given to Mrs. Matson for review. Mr. Rabolli asked Mrs. Matson to speak to her attorney and draft a letter addressing the open issues.

V. PUBLIC HEARINGS:

**A. DKT.#1314-11 – BRENDAN MEEHAN
135 CHURCH STREET, BLOCK 54, LOT 5**

This application is requesting a C Variance to finish an existing attic with sheetrock and insulation.

Mr. and Mrs. Brendan Meehan, the Applicants, approached and were sworn in by Mr. Rabolli. Per Mr. Cascio, all notices were in order. Mr. Cimis noted that the ordinance referred to on Page 2 of the application should be 24-4.1 and asked Mr. Meehan to make sure the application was updated. Mr. Meehan described the application and noted the request is being made for hardship reasons. Mr. and Mrs. Meehan are expanding their family and need more space. The attic will not be used as a bedroom. The plan is to use this space for storage and a playroom.

Mr. Cimis addressed Mr. & Mrs. Meehan regarding the unfortunate possibility of a fire and suggested a ladder be installed, interiorly, for a fire exit. The window in the attic is of standard size. Mr. Meehan signed and dated the plan in the file which was marked as Exhibit A-1. There were no questions from the Board or the Public.

A motion was made by Mr. Dator, seconded by Mr. DeSilva, to close the Public Hearing and move into Work Session for this application. All voted in favor.

**B. DKT.#1315-11 – ROBERT POWLEY
86 W. CRESCENT AVENUE, BLOCK 152, LOT 12**

This application is requesting a C Variance to add a 7.5' addition to an existing room to be used as a family room with a new Dutch (Gambriel) roof line above for a dressing room and bath.

Mr. Robert Powley, the Applicant, approached and was sworn in. Mr. Powley was accompanied by his architect, Mr. Robert Kruse, of 157 Lincoln Avenue, Ridgewood, NJ. Mr. Kruse noted his qualifications and was accepted as an expert.

Mr. Kruse described the application with the proposed addition, roof line and what will be used for the exterior. He indicated there will be 172 square feet being added on the first floor. The existing home is in the front yard setback. The home was built before 1946, when Mahwah's codes were written. Due to the introduction of code, the home was then within the front yard setback.

Mr. Cascio questioned the specifics on the setbacks. The size of the proposed addition is 7.5 feet by 22.9 feet. Mr. Savino questioned the chimney. Mr. Kruse indicated the chimney will be 2/3 within the structure and due to some leaking, will be fixed to ensure it is waterproof. Further clarification of what will be in the bath area was discussed. There were no questions from the Board or the Public.

A motion was made by Mr. Dator, seconded by Mr. DeSilva, to close the Public Hearing and move into Work Session for this application. All voted in favor.

VI. WORK SESSION:

A. DKT.#1314-11 – BRENDAN MEEHAN 135 CHURCH STREET, BLOCK 54, LOT 5

This application is requesting a C Variance to finish an existing attic with sheetrock and insulation.

A motion to approve was made by Mr. Dator seconded by Mr. Laforet. A roll call vote revealed 7 aye votes by Mr. Rabolli, Mr. Cimis, Mr. Savino, Mr. DeSilva, Mr. Dator, Mr. Laforet and Mr. Larson.

B. DKT.#1315-11 – ROBERT POWLEY 86 W. CRESCENT AVENUE, BLOCK 152, LOT 12

This application is requesting a C Variance to add a 7.5' addition to an existing room to be used as a family room with a new Dutch (Gambriel) roof line above for a dressing room and bath.

A motion to approve was made by Mr. Dator, seconded by Mr. Laforet. A roll call vote revealed 7 aye votes by Mr. Rabolli, Mr. Cimis, Mr. Savino, Mr. DeSilva, Mr. Dator, Mr. Laforet and Mr. Larson.

For the record, Master Phillip Diaz was in attendance observing the proceedings for his Mahwah High School's History class.

Mr. Rabolli acknowledged two letters in the Board's packets: (1) Letter from Boswell Engineering dated April 14, 2011 to Mr. Gary Montroy regarding ADPP Enterprises and, (2) Letter from Boswell Engineering dated April 13, 2011 to Mr. Gary Montroy regarding Pilot Corporation. There was a short discussion regarding both letters.

Mr. Dator addressed the Board members questioning the numerous documents that are received from the Clerk's office and asked if it is all required and necessary. Requirements regarding copies versus email were discussed. Mr. Rabolli asked Ms. Entrup to check with the Zoning Department if it is acceptable that all documents be provided to him, Mr. Cascio and Mr. Larson and if necessary, copies will be made for all Board members.

Mr. Dator questioned the Assisted Living (Zoccoli Associates) application asking if there will be traffic testimony and has concerns. Mr. Cascio stated Mr. Dator should bring his questions up during the hearing and noted Mr. Joe Burgis will also be reviewing this application. There was a discussion on what the Board would like to see during the Public Hearing in order to make their decisions, such as traffic testimony.

Mr. DeSilva would like to ensure that everyone needed for the May 4, 2011 Chai Lifeline meeting is present. Mr. Cascio will contact Mr. Smith to ensure Mr. Kauker is present.

Mr. Cimis commented on code and noted a facility with the name of an assisted living facility is not permitted anywhere in town. The OP-200 district makes reference to a convalescent and nursing home, but not assisted living. There was a short discussion on the interpretation of the ordinance. Per Mr. Cascio, Mr. Burgis will be speaking to this issue. Mr. Cimis also indicated there is a definitive parking requirement in the site plan ordinance. These are points that need to be brought up during the application testimony.

A motion was made by Mr. Savino, seconded by Mr. DeSilva, to close the Work Session portion of the meeting. All voted in favor.

VII. ADJOURNMENT:

The meeting was adjourned at 8:59 pm by Mr. DeSilva, seconded by Mr. Dator.