

**TOWNSHIP OF MAHWAH  
BOARD OF ADJUSTMENT**

**MINUTES**

**SEPTEMBER 21, 2016**

The combined public/work session meeting of the Board of Adjustment held at the Municipal Building, 475 Corporate Drive, Mahwah, NJ, beginning at 7:36 pm was called to order by Mr. Dator, 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. Montroy  
                         Mr. DeSilva                        Mr. Whiteman  
                         Mr. Ervin  
                         Mr. Kearney

                         Mr. M. Kelly, P.E.  
                         Mr. D. Block, P.P.

**ATTORNEY:**        Mr. B. Cascio, Esq.

**ABSENT:**            Mr. Rabolli  
                         Mr. Straffin  
                         Mr. Larson

**I. APPROVAL OF BILLS:**    None to Present

**II. APPROVAL OF MINUTES:**

**A) Meeting of July 20, 2016**

Motion to approve the minutes was made by Mr. Whiteman and seconded by Mr. DeSilva. All eligible members voted in favor.

**III. MEMORIALIZING RESOLUTIONS:**

**1. DKT. #1261-08(A) – PONY POWER THERAPIES, INC.  
1158 & 1170 RAMAPO VALLEY ROAD , BLOCK 25, LOT(S) 16 & 17**

Use Variance to permit nonprofit business to operate in R-80 Zone & to have Administrative Offices & Dwelling Unit and related bulk variances together with amended Site Plan Approval

Motion to approve the resolution was made by Mr. Montroy, and seconded by Mr. Whiteman. A roll call vote revealed 5 aye votes by Mr. DeSilva, Mr. Ervin, Mr. Kearney, Mr. Montroy, and Mr. Whiteman.

**IV. OPEN TO THE PUBLIC – 15 MINUTES**

Mr. Dator opened the meeting to the public for general questions or statements. None were received.

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

**A. DKT. #1410-16 – RICHARD MARCHESI  
25 MOUNTAIN ROAD, BLOCK 2, LOT 5**

Single family home constructed on vacant land. Carried from September 7, 2016.

Mr. Dator announced this application would be carried to October 5, 2016.

**B. DKT. #1412-16 – RONALD J. COLUMBO  
122 SEMINARY DRIVE, BLOCK 21, LOT**

Application to erect a 40' x 40' pool house/shed in rear of property.

Ronald J. Columbo, 122 Seminary Drive, Mahwah, NJ appeared before the Board and was sworn in. He explained their family was looking for additional storage; he chose a 40 ft. structure that consists of 26 ft. x 14 ft. of storage space with an additional 14 ft. of a covered sitting area. This was approved by Rio Vista's Board. They are requesting to place the shed directly on the property line and are requesting a variance as it will not be located 20 ft. off the property line. The area is wooded as the neighbor has not landscaped the area. Mr. Dator informed this would be the only shed on a property line in the entire Township and recommended it be placed a few feet off away from the line. Mr. Montroy suggested at least 5 ft.; Mr. Kelly noted the requirement of 20 ft. Mr. Dator indicated the applicant should have had the location noted with measurements on the plan submitted.

Mr. Whiteman explained the applicant needed to be able to maintain the shed without having to cross onto the neighbor's property. Mr. Montroy noted the issue with a structure with a one-hour fire rating within 5 ft. from the property line, suggesting it be at least 6 ft. from the line to comply. He also commented about the future of the trees in that area. In response to Mr. Dator, Mr. Columbo explained that the shed would cut into the visibility of the backyard. Mr. Kearney reiterated the applicant was looking to construct a shed and sitting area and questioned the permitted size of this accessory structure. Mr. Kelly informed the applicant was requesting a variance from the setback of 20 ft. because the proposed structure is over the 120 sq.ft. maximum area permitted before being considered an accessory structure.

Mr. DeSilva suggested the applicant consider the placement of the shed at 6 ft. off the property line and provide an updated survey with the measurements for the location of the shed. Mr. Montroy suggested the applicant could also reduce the size of the shed to accommodate the setback from the property line. Mr. Ervin suggested decreasing length and increasing width of the structure. In response to Mr. Whiteman, Mr. Columbo explained the current proposed location for the shed was nestled within a tree and the tree line and no utilities are proposed at this time. Mr. Dator suggested not limiting electric in the future. Mr. Columbo noted the shed was chosen to keep with the architecture of the community and was more cost efficient than a separate shed and gazebo.

Mr. Dator opened the meeting to the public for questions or statements on the application. None were received.

Motion to move into Work Session for this application was made by Mr. Whiteman and seconded by Mr. Montroy. All voted in favor.

**VI. WORK SESSION:**

**A. Docket #1412-16 – RONALD J. COLUMBO  
122 SEMINARY DRIVE, BLOCK 21, LOT**

Application to erect a 40' x 40' pool house/shed in rear of property.

Motion to approve the application for the shed with conditions of placing it at least 6 ft. off the property line, having approval of the homeowner's association and the neighbor, not removing trees, and permitting future electric utility installation only was made by Mr. Whiteman, seconded by Mr. DeSilva. A roll call vote revealed 6 aye votes by Mr. Dator, Mr. DeSilva, Mr. Ervin, Mr. Kearney, Mr. Montroy and Mr. Whiteman.

Mr. Kelly advised the applicant submit the updated plan to show the structure location at 6 ft. off the property line. He noted the Board was typically amenable to the applicant proceeding with construction at their own risk, knowing the resolution will not be adopted until the following meeting. Mr. Dator also noted there is a 45 day period after approval where individuals could oppose the approval; however, the applicant could proceed at his own risk.

**VII. ADJOURNMENT**

The meeting adjourned at 8:09 pm on a motion by Mr. DeSilva, seconded by Mr. Ervin.