

**TOWNSHIP OF MAHWAH
BOARD OF ADJUSTMENT**

MINUTES

APRIL 7, 2021

The combined public/work session meeting of the Board of Adjustment of the Township of Mahwah held via Remote Zoom Conference was called to order at 7:30 p.m. by Mr. Rabolli, with the reading of the opening statement followed by the flag salute and a reminder that Board of Adjustment meetings are being videotaped and broadcast live. It was noted that adequate notice of the meeting was provided specifying that this meeting would be held remotely and that electronic notice of both general access instructions and specific meeting invitations were posted to the Township Website.

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. Calijone Mr. Rabolli
 Mr. Cannava Mr. Straffin
 Mr. Jackson Mr. Whiteman
 Mr. Kearney

ABSENT: Mr. DeSilva Mr. Montroy

ATTORNEY: Mr. Ben R. Cascio, Esq.

PROFESSIONALS: Mr. Michael J. Kelly, PE, Boswell Engineering
 Ms. Deb Lawlor, FAICP, PP,
 Colliers Engineering & Design, Inc.
 Ms. Geraldine Entrup, Administrative Officer

I. APPROVAL OF BILLS:

February 3 & 17, 2021	\$500.00	Cascio
		Meeting Attendance

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

II. APPROVAL OF MINUTES:

1. MINUTES OF FEBRUARY 17, 2021

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

III. MEMORIALIZING RESOLUTIONS:

None to present.

IV. OPEN TO THE PUBLIC:

Mr. Rabolli opened the meeting to the Public for general questions or statements. No members of the Public participated on the Zoom call or wrote in comments.

V. PUBLIC HEARING:

**1. DOCKET #1472-19 – MAHWAH BUSINESS PARK, LLC
65 RAMAPO VALLEY ROAD, BLOCK 41, LOTS 1, 2, 9 & 10**

Application for a “D” Use Variance proposing a 400 parking space lot for the storage of vehicles and removal of building #59 to be replaced with 65 parking spaces associated with Ramsey Auto Group, carried from March 17, 2021.

Mr. Rabolli provided the hearing procedure to the Applicant and participants, stating that the Applicant presents witnesses, then questions may be asked of the witnesses as to what was testified to. If giving testimony, the speaker must be sworn in and visible.

Mr. Andrew Kohut Esq., Wells, Jaworski & Liebman, 12 Route 17 North, Paramus, NJ, representing the Applicant, presented **Exhibit A-10**, Mr. Gee’s report dated January 9, 2021 and called Mr. Gee to testify.

Mr. John Gee, Weston Solutions 1400 Weston Way, West Chester PA, who remained under Oath, stated that the Exhibit was prepared by himself along with Engineers. It pertains to the stability of the Landfill and the ability to park. Mr. Gee gave a summary of the 60+ page report, provided his experience once again, and stated that he understands the concerns. Referencing solid waste disposal, Mr. Gee stated that it is now much more regulated. The former Abex landfill, which closed in 1984 and was capped in 1989, has been well maintained, is safe, and in compliance with New Jersey regulations. Required by the DEP, the cap was monitored annually for three (3) years. It was concluded in

1991 that no further monitoring was required. Ground water monitoring was done for eight (8) years until 1993 and is no longer required.

Mr. Gee provided further testimony, including his interpretation of the use, community benefit, the Post Closure Care Plan, Regulatory Use, proposed parking, size and description of the cap, ability to re-seed and grow grass, the Rodding Analysis, location of the liner, inspections, rotation of vehicles, notification signs at the entrance, Performance Bond and maximum loading of vehicles and a fire truck.

Mr. Rabolli opened the questioning to Members of the Board for Mr. Gee.

Questions from Members of the Board included; location of notation that the landfill was designed to be a parking facility, impact of snow plowing, paved parking lot, growth and maintenance of grass, number of cars and experience with the Bod Pav product.

Mr. Gee responded that the landfill was designed to be a parking facility as was noted in one of the reports, snow removal will be done by shoveling and/or using a motorized tractor – the Applicant has no issue with making it a condition of approval that there would be no plow on the front of a tractor, nothing with a hard surface, the parking lot would be Bod Pav 85 as macadam would increase runoff; this product is commonly used for access roads, working out the number of cars to be parked up to the permitted amount.

There were no further questions from Members of the Board for Mr. Gee.

Mr. Rabolli opened the questioning to the Board Professionals for Mr. Gee.

Questions from the Board Professionals included; the number of vehicles expected to be parked on the landfill, rotation of the vehicles, lack of exposure to sunlight leading to erosion, shade tolerant grasses, length of time between installing the grid and ability to park the vehicles, trees on the sides of the landfill, size of the trees, barrier from homes in the area, and permanent parking lot with grass.

Mr. Gee's responses were; the proposed number of vehicles to be parked on the landfill is 366, rotation and the ability to park after installing the grid, trees will be planted on two (2) sides, discussed with the DEP; slow growth, limited growth, Jim Ward's submittal indicated sufficient barrier, permanent parking lot....will have many uses.

Mr. Kelly stated for the record that there were no issues with the submitted Stability Calculations and the Ridding Analysis.

There were no further questions from the Board Professionals for Mr. Gee.

Mr. Rabolli opened the questioning to members of the Public for Mr. Gee.

Members of the Public (Objectors) with questions/objections for Mr. Gee were:

Mrs. Louise Stiles, 83 East View Avenue
Mrs. Cyndie Farrow, 73 East View Avenue
Mrs. Meredith Magner, 62 North Railroad Avenue
Mrs. Martha Steinbach, 8 Wanamaker Avenue

Questions from the Objectors included; Reduced Digging Installation Guide, will only trucks and light vans be parked - no trucks or SUV's, parking of hybrid and electric cars, maximizing area to wildlife as stated in the Post Closing Care Plan, stability after 30 years of being undisturbed and now being disturbed, do the blocks for the cover absorb heat – will they allow grass to grow, will changing the slope affect the runoff, number of years the original cap was designed for – are the same steps required going forward, at what point does Mahwah stop being a parking lot for Ramsey Auto Group.

Mr. Gee's responses were: the Guide is a marketing brochure – no digging will be done, the profile includes a geo-grade and the bedding material is sand and gravel, Mr. Gee did not have an answer regarding hybrid and electric cars, this is a new use - an application will be submitted to the DEP to be reviewed/approved, the landfill is in great condition, it is stable, whether vacant and not inspected or being used as a parking lot it is a requirement of the Care Plan that an application be submitted to the DEP, the blocks are specifically designed to grow grass, not changing the slope (Mr. Kelly commented here that the side slopes have to be approved by Bergen County), cars will be rotated and in access areas as well, it is a private facility – they can park wherever they want.

Mr. Kohut stated that the Applicant is willing to reduce the number of parking spaces to 300. Mr. Rabolli stated that at some point a rotation plan has to be sketched out.

A discussion took place regarding ground water monitoring, i.e., previous testimony of annual inspections by an LSRP to DEP.

Mr. Gee continued responding to questions from the Objectors; the original cap was designed to last 30 years, there were no documents indicating that it could not go beyond 30 years, the steps to be taken today are a little more stringent – a Plan and Performance Bond submission to the DEP are required – but generally the same as back then for the next 30 years of monitoring.

There were no further questions from members of the Public for Mr. Gee.

Mr. Rabolli opened the Public Hearing for members of the Public to give testimony.

The common comments/complaints from the Objectors were concern for the weight of the vehicles, especially fire trucks, health, safety, and value of properties in the area.

The following members of the Public (Objectors) were sworn in by Mr. Rabolli and either read from a written statement and/or gave a verbal statement informing the members of the Board how long they have lived in the area and their on-going concerns with disturbance of the landfill.

Mrs. Louise Stiles, 83 East View Avenue
Mrs. Cyndie Farrow, 73 East View Avenue
Mrs. Meredith Magner, 62 North Railroad Avenue
Mrs. Martha Steinbach, 8 Wanamaker Avenue
Mrs. Sylvia Gerou, 19 Island Road

Mr. Kohut gave a summation, stating that the property is not in the Residential Zone; it is in the IP-120 Industrial Zone – near Residential, but not in that Zone. The Applicant is not requesting a Use Variance, they are requesting a Conditional Use Variance. The condition that is not in compliance is that it abuts a Residential Zone. At least 100 feet of buffer will be installed. The requirement is a minimum of 50 feet, maximum of 100 feet. The intent of the Ordinance is being met – substantially impaired. The Application will be reviewed by the NJ DEP at the State level.

2. DOCKET #1484-20 – PIKE ENTERPRISES, LLC
149 FRANKLIN TURNPIKE, BLOCK 70.02, LOT 121

Preliminary and Final Site Plan Application for Conditional Use and “C” Variances to demolish the existing service station and construct a new service station with a canopy, a Dunkin Donuts with drive through, signage, and parking lot, drainage, lighting and landscaping improvements, continued from February 17, 2021.

Mr. Rabolli announced that the hearing of this Application is moved to May 5, 2021. No further Notice is required. An extension of time is to be provided to Ms. Entrup by the Applicant’s Attorney.

NOTE: Mr. Rabolli read into the record the March 29, 2021 letter from Monarch Communities’ Attorney, Mr. Del Vecchio, confirming that the Public Hearing scheduled for April 7, 2021 for Docket #1478-20 would be carried to April 21, 2021 and further continuing on May 5, 2021 with consent of the extension of time.

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

VI. WORK SESSION

**1. DOCKET #1472-19 – MAHWAH BUSINESS PARK, LLC
65 RAMAPO VALLEY ROAD, BLOCK 41, LOTS 1, 2, 9 & 10**

Application for a “D” Use Variance proposing a 400 parking space lot for the storage of vehicles and removal of building #59 to be replaced with 65 parking spaces associated with Ramsey Auto Group, carried from March 17, 2021.

The seven (7) Members of the Board that were present each gave their comments and concerns regarding disturbing the cap, topographical nature, buffering, weight of the vehicles, toxic waste, stability and maintenance. The Members of the Board were in favor of the parking lot in the lower area where the building is being removed that is not part of the auto storage.

The result being a motion to **approve** the removal of Building #59 to be replaced with 65 parking spots, and to **deny** the 400 parking space lot on the Landfill was made by Mr. Whiteman, seconded by Cannava. A roll call vote revealed 7 aye votes by Mr. Calijone, Mr. Cannava, Mr. Jackson, Mr. Kearney, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

A motion to move out of Work Session, and adjourn, was made by Mr. Kearney, seconded by Mr. Whiteman. All voted in favor.

The meeting adjourned at 9:56 p.m.

These minutes were prepared by Sylvia Gerou, Zoning Board Recording Secretary. The minutes were provided to the Board of Adjustment on May 13, 2021 for approval at the Regular Meeting to be held on May 19, 2021.