

II. APPROVAL OF MINUTES:

None to present.

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(S):

**1. DOCKET #1481-20 – GARY ROSCOE
116 EAST CRESCENT AVENUE, BLOCK 120, LOT 53**

Application for a “C” Variances for rear and side-yard setbacks, exceeding size of an accessory structure to construct an addition to an existing detached garage, continued from February 17, 2021. Amended plans submitted April 5, 2021.

Mr. Howard Ridkes General Contractor, 107 Highland Place, Ridgefield Park, NJ representing the Applicant, was previously sworn in and remains under Oath. Mr. Ridkes stated that the original size of the proposed accessory structure was 2,200 square feet, reduced to 1,600 square feet and is now being reduced to 1,000 square feet to comply with Mahwah Township’s Ordinance and eliminate the variance. The revised Plan dated March 31, 2021 was marked into evidence as **Exhibit A-11**.

The setback requirement for a primary structure is 30 feet. The side yard setback for the garage, being an accessory structure, is ½ of that requirement; 15 feet. The existing garage, which predates the requirements of Mahwah Township’s Ordinance, is 6 feet where 15 is required. The rear yard setback is 6 feet where 20 feet is required. The proposed setbacks are to remain at 6 feet.

A brief discussion took place regarding the maximum height of the proposed structure and how it is measured. The proposed height is 19.7 feet where 20 feet is the maximum permitted. The height is measured from the average grade to the roof height, (mean elevation) not the peak.

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

Mrs. Ana Azevedo, 98 East Crescent Avenue, 3 houses over, inquired as to the height of the current garage and voiced her concern with the appearance and future use of the proposed structure if the property is sold. Per Mr. Ridkes, the existing garage is 15 feet. The new structure will be approximately 4-5 feet higher.

There were no further questions for Mr. Ridkes.

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

Note: Work Session immediately followed the Public Hearing for this Docket.

**2. DOCKET #1485-20 – PETER AND MICHELLE SCHESCHUK
170 FARDALE AVENUE, BLOCK 162, LOT 234**

Application for a “C” Variance to erect a six-foot fence in a front yard.

Mr. Cascio stated that the Notice was in order.

Mr. Rabolli stated that the property is located on a corner lot with two front yards, where a maximum fence height of four feet is permitted in a front yard.

Mr. Scheschuk stated that the proposed fence would run from the Southern most property line by Wyckoff Avenue Northerly and stop at the site triangle....at least 30 feet from Fardale Avenue, 10 feet from the roadway. Only lower branches of trees were cut to move the fence further away. The fence height of 6 feet is being requested for privacy, but mostly for the noise...truck traffic and diesel pickup trucks. The fence is supposed to suppress 98% of the sound. Another issue is having to pick up debris; the fence will provide a barrier.

Mr. Kelly commented that the Applicant is proposing to construct the fence right up to the site triangle, that sufficient site distance be ensured, and that he would like the opportunity to meet with the Applicant. Mr. Scheschuk added that a second surveyor had marked the site distance on both Wyckoff and Fardale Avenues, and that he had no problem with Mr. Kelly meeting him at the site.

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

A discussion took place regarding landscaping, the 10 foot right-of-way, and Wyckoff Avenue being a County Road.

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

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

Mr. Gary Grobstein, 3 Wyckoff Avenue commented that what Mr. Scheschuk is doing is great. The fence will eliminate the garbage and serve as a sound barrier...he is in full support of the proposal.

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

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

Note: Work Session immediately followed the Public Hearing for this Docket.

**3. DOCKET #1478-20 - MONARCH COMMUNITIES, LLC
EAST RAMAPO AVENUE/FRANKLIN TURNPIKE/KING STREET/
SIDING PLACE, BLOCK 82 LOTS 1, 3-17, 26, 29, 30**

Application for “C” and “D” Variances to construct a multi-level Senior Housing Facility with retail space, parking garage and other site improvements including off-street parking and circulation loading area, sidewalks, retaining walls, signage, landscaping and lighting, continued from March 3, 2021.

Mr. DeSilva recused himself from this Application.

Mr. Rabolli explained the procedure and order of events stating that the Applicant presents his case-in-chief; in this case, witnesses have previously testified and been cross examined by Members of the Board and the Board Professionals and questioned by members of the Public. Questions from Objectors should only be asked to the appropriate witness with testimony and expertise pertaining to the question. Objectors may present their own case or hire their own planner, traffic expert or an attorney. Closing arguments and comments will be heard at the end of testimony before the Board votes.

Mr. Andy DelVecchio, representing the Applicant, stated that the intent is to clarify some of the questions from the previous hearing. Mr. DelVecchio introduced his first witness of the evening, the Planner; **Mr. Richard Preiss of Phillips, Preiss Grygiel, Leheny & Hughes, LLC 33-41 Newark Street, Hoboken, NJ.** Mr. Preiss gave his credentials and qualifications and was sworn in as an expert by Mr. Rabolli. Mr. Preiss stated that he has reviewed the Plans, Zoning Regulations and Master Plan, and has listened to the preceding hearings. It was noted that Mr. Preiss was previously sworn in and has testified in the past at the Public Hearing for HMH Carrier Clinic.

Mr. Preiss testified regarding the proposed use for this Application and how it fits the proposed location. R. Preiss Use Presentation was admitted into evidence as **Exhibit A-19**. Topics included were:

1. Clarification of Proposed Use
2. Affordable Housing Compliance

Referring to the project as a multi-level Senior Housing Facility, Mr. Preiss explained that it is a single project with three levels of service, i.e. Congregate Apartment Housing, Assisted Living, and Memory Care. Mr. Preiss described the services in detail stating that Congregate Apartment Housing is a sub-set of Independent Living. The revised Unit Mix and previous Unit Mix, changes in Assisted Living; studio and 2 bedroom apartments, the revised Occupancy Table; 175 units with the maximum number of people being 210 were also described / discussed. All services and amenities are listed by level and included with the rent; a resident cannot pick and choose them.

Mr. Preiss continued, discussing who qualifies, comparison to Market rents, and the inherent benefits of Congregate Care facilities within the Use Requirements recognized by New Jersey Case Law, and provided several examples of other facilities in New Jersey.

Mr. Rabolli called for a 5 minute break at 9:02 p.m. The Public Hearing resumed at 9:07 p.m.

The next topic discussed was Affordable Housing. Mr. Preiss provided testimony regarding Uniform Housing Affordable Controls, the 20% set-aside for low and moderate income, 10% Medicaid, credits based on relationships or number of bedrooms, age restricted requirements.

Mr. Rabolli opened the questioning from Members of the Board for Mr. Preiss.

Questions from Members of the Board included: how did the number of residents increase from 186 to 210 at 100% occupancy, age restrictions in Congregate Care, number of units necessary to be inherently beneficial, are amenities the same in low income and if someone is on Medicare, are unrelated individuals sharing the common areas friends or strangers, Assisted Living and Memory Care require licensing, Congregate Care does not – does the State monitor Congregate Care, Deed restrictions – specific units or fluctuating, 4 bedrooms – similar to a college dorm, definition of a unit.

Mr. Preiss responded to the above questions: the potential increase is based on multiple bedrooms, the Board has requested a minimum age of 55, the Use is inherently beneficial, amenities are the same, sharing a common area could be either friends or

strangers, the State does not monitor Congregate Care, specific units are identified for low and moderate income, the 4-bedroom units are similar to a college dorm – each has a bathroom, a 4-bedroom unit would constitute a household; 175 units – each has a door and combination of facilities.

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

Mr. Rabolli opened the questioning from Board Professionals for Mr. Preiss.

Mr. Kelly commented regarding the maximum occupancy – a husband and wife could be in a 1-bedroom, the second bedroom could be used as a den. If doubly occupied, it could increase occupancy. Mr. Preiss stated that other locations have about 50% double, typical is less. 210 is the absolute maximum. The 210 is an analogy – not all beds are occupied. Theoretically it is possible to go above 210.

Mr. Kelly requested that when the architectural plans are resubmitted, the square footage be provided as well.

Ms. Lawlor stated that she has the information needed, but would also like a copy of the Power Point Presentation and the revised architectural plans. Ms. Lawlor requested testimony on what is in the kitchen. Mr. Preiss stated that it will be specified in the Architect's testimony.

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

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

Questions were received from the following members of the Public:

Ms. Martha Steinbach, 8 Wanamaker Avenue

Ms. Audrey Gold, 214 Miller Road

Ms. Connie McGinty 278 Franklin Turnpike

Ms. Meg McCrimlisk, 39 Armour Road

Ms. Kathryn Bell & Mr. Tony Lamanna, 129 Oweno Road

Questions included: if unrelated individuals are in a 2-bedroom, is the price point divided by 2, if Congregate Care/Independent Living is not licensed by the DOH, can the 97 units be eliminated, parking for residents that drive, how much staff is required when at maximum capacity, is this facility a requirement, number of congregate and furnished by who, 72 individuals with a spouse would be 144 residents, overnight guests, unable to continue to pay rent, facts to back up data – age, women, other facilities.

Addressing the questions from members of the Public, Mr. Preiss responded: for Market rate units residents pay full rent, low and moderate income rates are dictated by a formula provided by the Council of Affordable Housing, in this Application Congregate Care is for the frail elderly most of whom are in their mid-eighties, with additional rent for services – each bedroom is a unit of credit, there is no low and moderate income in Memory Care, to allow for aging in place the entire project is inherently beneficial, many of the residents do not have cars; transportation services are provided, if any have cars, very few are kept after moving in, there are adequate parking spaces, as Mr. Glynn previously testified, approximately 35-40 staff are required, the facility is a need, not a requirement, Mr. Glynn will respond to the question regarding number of units and furnishings, the residents are predominately single women 85-90 years old – that is when this type of facility is needed, overnight guests are not permitted, Mr. Glynn has previously testified regarding not being able to pay rent, the Needs Expert will testify regarding age, women and other facilities with examples and experience – most residents are 85 year old women that pay additional rent for services.

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

Mr. Rabolli announced that the hearing of this Application would be carried to May 5, 2021 at which time future dates would be discussed. No further notice is required.

Mr. DelVecchio granted the extension of time to May 5, 2021.

VI. WORK SESSION

1. DOCKET #1481-20 – GARY ROSCOE 116 EAST CRESCENT AVENUE, BLOCK 120, LOT 53

Application for a “C” Variances for rear and side-yard setbacks, exceeding size of an accessory structure to construct an addition to an existing detached garage, continued from February 17, 2021. Amended plans submitted April 5, 2021.

Comments from Members of the Board included: a number of hearings have taken place over the past 9 months and Mr. Roscoe has reduced the square footage of the proposed addition to conform at 1,000 square feet, neighbors on the property line have not voiced concern, the expansion would eliminate having to rebuild the footer, the hardship being that it was originally approved and the Zoning Code changed, shrubs and 12 foot arborvitaes will be planted on the property line.

A motion to approve this Application was made by Mr. Whiteman, seconded by Mr. DeSilva. A roll call vote revealed 8 aye votes by Mr. Calijone, Mr. Cannava, Mr. DeSilva, Mr. Jackson, Mr. Montroy, Mr. Rabolli, Mr. Straffin and Mr. Whiteman.

Mr. Ridkes thanked the Board Members and complimented the Board Secretary, Ms. Angela Dragone, for her assistance and pleasant attitude and guidance through the paperwork process.

A motion to move out of Work Session and return to the Public Hearing portion of the meeting was made by Mr. Whiteman, seconded by Mr. DeSilva. All voted in favor.

**2. DOCKET #1485-20 – PETER AND MICHELLE SCHESCHUK
170 FARDALE AVENUE, BLOCK 162, LOT 234**

Application for a “C” Variance to erect a six-foot fence in a front yard.

Mr. Rabolli summarized the Application stating that the property is on the corner lot of Fardale Avenue and Wyckoff Avenue. This issues are the debris, privacy, and noise. The front yard is on Wyckoff Avenue. The Applicant has agreed to be outside of the site triangle. Mr. Kelly will visit the site.

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

Mr. Rabolli informed Mr. Scheschuk that an official Resolution would be drafted and posted in the newspaper, followed by 45 days for any objectors to object. Proceeding prior to that time would be at his own peril.

A motion to move out of Work Session and return to the Public Hearing portion of the meeting was made by Mr. Whiteman, seconded by Mr. DeSilva. All voted in favor.

A motion to adjourn was made by Mr. Whiteman, seconded by Mr. Jackson. All voted in favor.

The meeting adjourned at 10:18 p.m.

These minutes were prepared by Sylvia Gerou, Zoning May 27, 2021 for approval at the Regular Meeting to be held on June 2, 2021.