

**TOWNSHIP OF MAHWAH  
BOARD OF ADJUSTMENT**

**MINUTES**

**AUGUST 18, 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 7:32 p.m. by Mr. Whiteman, 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. Montroy
Mr. Cannava	Mr. Rabolli – in at 8:50 p.m.
Mr. DeSilva	Mr. Straffin
Mr. Jackson	Mr. Whiteman
Mr. Kearney	

**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:**

None to Present

**II. APPROVAL OF MINUTES:**

None to Present

**III. MEMORIALIZING RESOLUTIONS:**

**1. DOCKET #1488-21 – TYRONE MARNOTES AND JENNIFER SHUTTE  
21 EAST CRESCENT AVENUE, BLOCK 118, LOT 9**

Resolution of Approval of a “C” Variance to convert and expand an existing detached garage into a new principal residence, after which the existing residence will be demolished and removed. The new residence is to be supported by a detached garage.

Modifications to the Resolution were requested. A vote will be taken at the September 1, 2021 meeting.

**IV. OPEN TO THE PUBLIC:**

Mr. Whiteman 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 #1454-19 (2021) MARIA GORCZYCA  
MOUNTAIN ROAD, BLOCK 2, LOTS 2 & 3**

Application for “C” Variances to construct a Single Family Home with improvements; original Application refiled for re-approval.

Mr. Cascio stated that the Notice was in order.

**Mr. Bruce Whitaker, Esq. of McDonnell & Whitaker, 245 South Main Street, Ramsey, NJ** representing the Applicant, stated that the Application is to approve a prior approval based on the construction not commencing within two years of Board approval of the variance relief; the approval has expired and cannot be extended. The New Application addendum has three pieces to the Litmus test for re-approval;

- Same Plan with modifications based on the conditions in the Resolution of 2019
- Same Ordinance
- Same Zone and size

The Applicant is seeking the same Variance relief to construct a Single Family Home on a road that is not improved or approved to Township standards; seeking frontage upon an approved street that only has lot frontage based on the configuration, as the home is

further back. The Applicant seeking the same Soil Movement Permit and a Waiver for slopes.

Mr. Whitaker called **Mr. J. Robert Weissman, Weissman Engineering Company, 686 Godwin Avenue, Midland Park, NJ 07432.** Mr. Weisman was sworn in by Mr. Cascio and stated that he was the Engineer on the previous plan; this is the same plan with required modifications in the Boswell Report dated July 19, 2021; namely the turn-around. There is no change to the property. Improvements, drainage, etc. as shown on the Plan all remain the same.

Mr. Whitaker informed the Board that Mrs. Gorczyca recently passed away and her Estate has requested that the Application move forward. The Application will be amended to reflect Estate of Maria Gorczyca. Ms. Entrup requested an e-mail be sent to be attached to the Application.

A discussion took place regarding Fire Prevention approval of the turn-around, the water tank to be installed, and the model of the fire suppression equipment. It was commented by Mr. Kelly that the condition of the original approval regarding the paving be kept. Mr. Weisman referenced the detail in Plan #25 to comply with the original condition.

There were no questions from Members of the Board, Board Professionals or members of the Public for Mr. Weisman.

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

*Note: Work Session took place immediately following the Public Hearing of this Application.*

**2. 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 July 21, 2021.

Mr. DeSilva recused himself from the hearing of this Application.

**Mr. Andy Del Vecchio, Esq., Beattie Padovano, LLC, 50 Chestnut Ridge Road, Montvale, NJ** representing the Applicant, stated that the supplemental testimony by the Project Architect was concluded at the previous meeting.

Mr. Del Vecchio called his first witness of the evening; **Mr. Bradford Bohler, Bohler Engineering** gave his education and background and was sworn in by Mr. Cascio as an expert in Civil Engineering. Mr. Del Vecchio informed the Board that Bohler Engineering was taking over the project. Mr. Bohler stated that he is familiar with the Application, has visited the site, reviewed reports, and has produced documents pertaining to the Application. The following exhibits prepared by Mr. Bohler pertaining to existing conditions were admitted into evidence:

- Exhibit A-26** - Bohler Site Plan Set - Overview of the Project location without revisions dated June 4, 2021
- Exhibit A-27** - Bohler Site Plan - Aerial Exhibit dated June 16, 2021; generally consistent with small deviations

Mr. Bohler described the area in detail, i.e.; access, uses, park, residential and industrial zones, and stated that Lots 20-25, 27 and 28 had been added for a total of 3.97 acres with 55% pervious coverage. The slope of the site, vacant buildings and the Siding Place paper right-of-way were also described.

- Exhibit A-28** - C-301 Colorized Rendering of the Site Plan dated June 16, 2021

Mr. Bohler stated that the proposal is for a 175 Unit Multi-level Senior Housing Facility on an 80,000 square foot property and noted the courtyards; units per acre; number of stories; setbacks on all sides of the proposed structure and two right-of-ways. Continuing, Mr. Bohler described the building coverage, impervious coverage, sidewalks, building height, elevations; grade differential at the retail store location, loading and parking areas; parking spaces including ADA and RSIS requirements; the access points; curb radius; circulation, and requested waivers for the driveway width. The trash area is for shared use by retail and the facility.

The requested Waivers for grading and walls were explained by Mr. Bohler. The existing walls are remaining in place - if needed, maintenance or repair will be done. The majority of the increase in impervious coverage is geared toward hardscapes for the building. There is an increase of impervious coverage overall on the property of about 30,000 square feet. Minimizing impervious coverage in pavement areas per green infrastructure requirements requested by the Highlands and by the Town. Retention basins and porous pavement sections were implemented in the loading area and are pending final Highlands review. An underground basin is used for the property. The current drainage system is not satisfactory without maintenance or cleaning. Based on calculations maintaining the flow on site and infiltrating it into the ground will result in 95% reduction of water going into the roadway system.

Township of Mahwah  
Board of Adjustment Meeting Minutes  
August 18, 2021

Utilities are proposed to be mostly off of King Street; electric, gas and sewer. Proposing a small power source to the retail users on East Ramapo as needed; a pole mounted transformer. A relocated sanitary sewer line is proposed at the right-of-way at Siding Place.

Mr. Del Vecchio stipulated for the record that the Applicant has agreed to replace the walls at the bank.

Regarding landscaping, Mr. Bohler stated that 34 trees, 420+ shrubs, 550+ perennials, native species landscaping, and grasses are proposed. Bio retention basins are proposed. A waiver for street tree requirements is due to overhead wires and water lines in the sidewalk location. Foundation plantings are proposed along the majority of the building. There are sidewalks for emergency egress along the Northeast corner of the building or a sidewalk along the Western side of the building. The brand of lighting and the requested Waivers to meet the streetscape requirements were explained by Mr. Bohler.

There was no further testimony from Mr. Bohler.

Mr. Whiteman opened the questioning from Members of the Board for Mr. Bohler.

Questions/Comments from Members of the Board included; number of single family homes within 200-300 feet of the Southside of the building; visual traffic and other impacts in this business/residential area; relevance to the height of the Police Station; water runoff reduction; infrastructure; sufficiency of the sewer, water, water pressure and electric for the building.

Displaying C-102 aerial view, Mr. Bohler stated that there were three homes within the 200-300 feet of the Southside of the building; concerning visual impact, 2 trees will remain, the corner of the building appears to be 2 ½ stories at that location, roughly the same height as the Police Station; the sewage use is less than other types of facilities; keeping the water on site, 95 % going into the ground, Perc tested, infiltration rates are well below the requirements for the State.

Mr. Kelly added that the tests were reviewed by Boswell Engineering and that he has some technical comments and also recommends that an updated storm water management report be provided since the site has changed since the original application. It is expected that the infrastructure should be able to sustain this type of structure. Hydrant flow test results will be required to be submitted to Boswell; no issue is expected with the sanitary sewer. The water supply is currently being reviewed. The Township is tied into United Water as needed in addition to well water. If the Application is approved, it would be condition of approval that adequate water and sewer utilities have been demonstrated.

At 8:50 p.m. Chairman Rabolli joined the Zoom call and took control of the meeting.

Questions/comments from Members of the Board continued: parking for the community, Farmer's Markets, etc.; the number of bathrooms in the facility to be accommodated by the sanitary sewer; height to the railroad tracks from the back of the building presented as 4 stores; traffic at the truck turn-around on the Southwest corner; outfitting the facility for 175 rooms – brought in by tractor trailers?; setbacks from Franklin Turnpike on the Eastside; notice to houses on the other side of the tracks.

Mr. Bohler responded that there are 116 spaces in the garage where 88 are required, 30 are available for the retail that is open; the height to the railroad tracks is 4-5 feet; deliveries are by box trucks through the service oriented or fire access; the driveway in the back will not be in use while the facility is being outfitted; a few front lots on South Railroad were noticed.

Mr. Del Vecchio commented that apartments are different from Town Houses. The apartments are much smaller, the unit type and product produces a lot less concern of measurements and a lot less impact.

At 9:05 p.m. Mr. Rabolli called for a 5 minute break. The meeting resumed at 9:10 p.m.

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

Questions/comments from Mr. Kelly pertained to: average grade calculations; where the grades and proposed grades measurements were taken - appear to be skewed in the Applicant's favor; Boswell's calculations were 306 feet, 6 feet lower than elevations creating a variance condition for building height – further review is needed; from East Ramapo Avenue the majority of the retail use appears as a 4 story building; full turning – left in/left out on East Ramapo Avenue; parking spaces for dwelling units; road widening easement along Franklin Turnpike; loading spaces; detail of the proposed retaining walls. Mr. Kelly added that he is not questioning it, but did not recall hearing about Farmer's Markets. Questions about delivery traffic will be addressed to the Applicant's Traffic Engineer.

Sharing his screen, Mr. Bohler displayed the Grading Plan used for the measurements and commented that every spot was measured with little change – within inches of each average; residential is 2 stories above the 1 story retail with extended height for HVAC, etc.; East Ramapo Avenue will have full turning, left in/left out; parking is sufficient based on a new requirement in the RSIS; the County has not requested additional widening of the road; loading spaces are boxed out behind the building and can be striped; sheathing concrete walls are proposed for the retaining walls - details will be provided for the walls.

Ms. Lawlor's questions/comments pertained to: equating Congregate Living to Assisted Living for parking space count; confirmation that the Variance for the building wall offset is in compliance; foundation plantings along Siding Place; trash enclosure setback – is the Applicant able to conform or is a Variance requested; is the one trash enclosure sufficient for over 100 units – how often is trash picked up; medical waste disposal; meeting the lighting requirements near the driveway intersections.

Mr. Bohler responded, stating that Congregate Living and Assisted Living are combined for parking space count; Mr. Del Vecchio stated that the Architect would address the building wall offset and revise the Plans to offset any non-compliance; there is a sidewalk and landscape area that is not visible by public and will be left as grass, but can be landscaped if the Board prefers – it would still require a waiver; the fence can be setback 10 feet from the property line in the trash enclosure area at Siding Place; trash is picked up two times per week, retail use is small, the trash area is mostly utilized by the facility. There is a trash compactor with the capacity of two or more dumpsters. Mr. Del Vecchio was asked to have someone provide an answer for medical waste disposal. Mr. Bohler stated that the criteria stated in the Colliers' Report regarding lighting requirements would be met.

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

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

**Mr. Ken Porro, Esq, representing Cilento Holdings, LLC, Mr. Donato D'Angelo, Owner of the Blue Foundry Bank, formerly Boiling Springs Savings Bank, 4 East Ramapo Avenue, Mahwah, NJ** stated that he had met with Mr. Del Vecchio and his client, Mr. D'Angelo, has agreed in concept to replace the walls around the bank. Mr. Porro added that there is also a fence on top of the wall, and as Mr. Del Vecchio would agree, a similar fence or compliant fence with regulations will be set forth. A slight encroachment at the existing wall and stop sign to the left will be cured when the wall comes down. A letter to Mr. Del Vecchio to sign off on those three issues; the replacement wall, fence on top and the encroachment curing will be sent by Mr. Porro.

Mr. Rabolli requested a copy of the finalized signed letter.

**Ms. Audrey Gold, Miller Road, Mahwah, NJ:** is the parking for retail below the parking for residential and how deep is it; when the sewer was calculated was the 100 year flood accounted for, a concern with heavy rains and water going under the building; does the truck entrance from King Street have to exit on East Ramapo Avenue.

Mr. Bohler stated that there are two levels of parking, they are not underground but at a grade; retail is about the same as the road, garage to facility is a few feet less than the entrance; grade differential between King Street and East Ramapo is 12-13 feet, which is the change of elevation between the two parking decks; the storm water system is designed for a 100 year event and designed to store the water in the system without any infiltration to the ground; trucks entering from King Street will exit on East Ramapo Avenue and vice versa.

**Mr. Gregory Gold, Miller Road, Mahwah, NJ:** the West side of Siding Place elevation will be between 40 and 50 feet – the underpass is 9.6 feet, 10 feet would be 19.6 feet to the rails, will the building be 30 feet above the rails; would it be seen from Winter's Park and West Ramapo Avenue or the people that live on the other side of the tracks; will they be able to see it, and maybe even from Commodore Perry Field?

Per Mr. Bohler, that is a good range for estimation.

**Ms. Martha Steinbach, 8 Wanamaker Avenue, Mahwah, NJ:** looking at the traffic that starts at King Street and exits at East Ramapo Avenue right at the railroad trestle, there is a park across the street, there is exiting from the retail on the other side of the park right at the railroad trestle, traffic comes down East Ramapo Avenue, it curves, DPW and recycling are there, Railroad Avenue is on the other side of the railroad tracks. It seems like it is going to be an incredible traffic jam...during the best of times. Wondering if the Applicant has considered all the other streets, not just their street, but all the other streets that exit onto East Ramapo Avenue at that site?

Mr. Del Vecchio stated that the Traffic Expert will be the next intended witness at the next meeting. Mr. Rabolli added that the Board's Engineering Company, Boswell, will have their Traffic Expert at the next meeting also.

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

Mr. Rabolli opened the questioning to Mr. Kelly.

A discussion took place between Mr. Kelly and Mr. Bohler regarding the comments in the Boswell Report dated July 19, 2021. Reading from Mr. Kelly addressed the comments – Mr. Bohler responded, including; setbacks, variance conditions, waivers, off street loading space, sidewalks, buffer zone, Site Plan, parking spaces, emergency generator/noise testing, snow removal, ADA Condition of Approval, Storm Water Management Report update, contribution of Fair Share of Costs for Capital Improvement, landscaping performance bond, tree removal, sanitary sewer easement, streetscape requirements, disposal of demolition materials and soil movement.

There were no further questions or comments from Mr. Kelly for Mr. Bohler.

Mr. Kearney's additional questions for Mr. Bohler were: is there a backup generator on site; will the waste disposal be free standing or in a shed; how many homes across the tracks?

To which Mr. Bohler responded: he assumes there is a backup generator, but will find out; the waste disposal is free standing with a fence; he will find out how many homes are across the tracks.

Ms. Lawlor inquired about noise from the compactor. Mr. Bohler commented that there would be slight noise, it is self-contained,

There were no further questions for Mr. Bohler.

Mr. Rabolli announced that the date of a Special Meeting for Monarch to be the only Application on, would be determined at the September 1, 2021 meeting for either September 22<sup>nd</sup> or 29<sup>th</sup>.

Ms. Entrup requested an updated exhibit list from Mr. Del Vecchio.

Mr. Del Vecchio gave an extension of time to September 30, 2021.

## **VI. WORK SESSION**

Mr. Whiteman summarized the Application stating that the Applicant seeks re-approval of the Application with identical terms from 2019.

A motion to approved was made by Mr. Kearney with the condition that the Fire Official's Report dated and signed by Mr. Roe on June 21, 2021 is fully addressed and the recommended sprinkler system is added into the Resolution, seconded by Mr. Montroy.

A roll call vote revealed 8 aye votes by Mr. Calijone, Mr. Cannava, Mr. DeSilva, Mr. Jackson, Mr. Kearney, Mr. Montroy, Mr. Straffin and Mr. Whiteman.

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

A motion to adjourn was made by Mr. Montroy, seconded by Mr. Kearney. All voted in favor. The meeting adjourned at 10:14 p.m.

Township of Mahwah  
Board of Adjustment Meeting Minutes  
August 18, 2021

These minutes were prepared by Sylvia Gerou, Zoning Board Recording Secretary. The minutes were provided to the Board of Adjustment on October 1, 2021 for approval at the Regular Meeting to be held on October 6, 2021.