

Robert Hermansen

From: John Roth
Sent: Friday, October 23, 2015 9:45 AM
To: Steve Sbarra; Robert Hermansen
Subject: Fwd: Draft Resolution - TWJ Mahwah Real Estate, LLC, Docket No. 568 PF
Attachments: NYC-#1265396-v1-Mahwah_Resolution_-_TWJ_Mahwah_-_P&F_SP&_Soil_(568)_PH.DOC; ATT00001.htm

The attached is FYI. I suggest you read the Planning Board resolution. An extraordinary number of variances all being pushed way too quickly for my comfort level. Also what about the residents on Brakeshoe? To enforce the resident parking only signage the residents would have to have stickers in their vehicle to park on their own street. But if they have guests, they would be subject to a summons for parking there. Why are the residents being penalized for a restaurant with inadequate parking?

John

Sent from my iPad

Begin forwarded message:

From: John Roth <JRoth@mahwahtwp.org>
Date: October 23, 2015 at 9:33:33 AM EDT
To: Todd Sherer <TSherer@mahwahtwp.org>
Cc: Brian Campion <BCampion@mahwahtwp.org>, "Brian M. Chewcaskie" <brian@gmcniilaw.com>, "Peter J. Scandariato" <pscandariato@phillipsnizer.com>, Michael Kelly <mkelly@boswellengineering.com>
Subject: Fwd: Draft Resolution - TWJ Mahwah Real Estate, LLC, Docket No. 568 PF

Todd,

I have reviewed the attached which indicates that final approval is contingent upon The Town Council approving right of way parking and signage.

Do you think it is appropriate for the Planning Board to memorialize the resolution on 10/26 in advance of the Council reviewing and discussing this matter at the 10/29 Council meeting? Administratively and in fairness to the applicant as well as residents who might appear at the Council meeting it would seem these final steps should occur sequentially.

Your thoughts would be most welcome.

Regards,
John

Sent from my iPad

Begin forwarded message:

From: Brian Campion <BCampion@mahwahtwp.org>
Date: October 23, 2015 at 8:59:48 AM EDT

To: John Roth <JRoth@mahwahtwp.org>

Subject: FW: Draft Resolution - TWJ Mahwah Real Estate, LLC, Docket No. 568 PF

Fyl

Proposed Planning Board memorialization resolution for October 26.

From: Geri Entrup

Sent: Friday, October 23, 2015 8:54 AM

To: Brian Camplon

Subject: FW: Draft Resolution - TWJ Mahwah Real Estate, LLC, Docket No. 568 PF

Brian, please see attached.

Thanks!

Geri Entrup

Township of Mahwah

Planning & Zoning Department

475 Corporate Drive

Mahwah, NJ 07430

(201) 529-5757 x244

gentrup@mahwahtwp.org

From: Peter J. Scandariato [<mailto:pscandariato@phillipsnizer.com>]

Sent: Wednesday, October 21, 2015 11:08 AM

To: William Laforet <WLaforet@mahwahtwp.org>; Todd Sherer [REDACTED]

Jerry Crean <jerry@icelectric.biz>; Ward Donigian [REDACTED]; Todd Van

Duren [REDACTED]; Dan Weixeldorfer [REDACTED]; Stephen

Lolacano [REDACTED]

Cc: Mike Kelly <mkelly@boswellengineering.com>; David Roberts

<droberts@maserconsulting.com>; Geri Entrup <GEntrup@mahwahtwp.org>

Subject: Draft Resolution - TWJ Mahwah Real Estate, LLC, Docket No. 568 PF

Gentlemen:

Attached please find a draft resolution for TWJ Mahwah Real Estate, LLC. Please review to confirm that I have included all of the conditions of approval which you requested. The resolution has already been reviewed by Mike Kelly and I have incorporated his comments so, if you have any comments, please get them to me and Geri as soon as possible.

Please note that I am only sending this resolution to those members of the Board who were present at the October 12th meeting and who voted in favor of the application since they are the only members who can vote on the motion to approve the resolution.

Thanks.

Peter J. Scandariato, Esq.
PHILLIPS NIZER LLP
Court Plaza South

Redacted -
Email
Addresses.



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**RESOLUTION OF THE TOWNSHIP OF MAHWAH PLANNING BOARD
PRELIMINARY AND FINAL SITE PLAN APPROVAL
AND SOIL MOVEMENT PERMIT APPROVAL
TWJ MAHWAH REAL ESTATE, LLC
DOCKET NO. 568 PF**

WHEREAS, the applicant, TWJ Mahwah Real Estate, LLC, applied for preliminary and final site plan approval to permit the renovation of the existing building to provide for a 50 seat restaurant along with parking and drainage improvements on the property owned by the applicant and designated as Block 40, Lots 25 and 57 on the current tax assessment map of the Township of Mahwah and located at 64 Ramapo Valley Road in the Township of Mahwah; and

WHEREAS, the applicant has also filed a Soil Movement Permit Application to permit the movement of soil in connection with the construction of the improvements at the subject property; and

WHEREAS, in connection with this application, the applicant requested certain variance and waiver relief, as more particularly set forth below; and

WHEREAS, the Planning Board is in receipt of reports from the Township Engineer dated August 31, 2015 and October 7, 2015 and from the Township Planner dated September 8, 2015; and

WHEREAS, the Board considered this application at public hearings on September 14, 2015 and October 12, 2015, pursuant to notice given according to law, at which times sworn testimony was heard and considered on behalf of the applicant, and at which times members of the public were afforded the opportunity to question the applicant's witnesses and comment upon the subject plan;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Mahwah that the Board makes the following findings of fact:

1. The subject property, which is identified as Block 40, Lots 25 and 57 on the current tax assessment map, is located at 64 Ramapo Valley Road in the B-10 Neighborhood Business Zone. It is bordered to the north and south by the B-10 Zone, to the west by the R-5 Single Family Zone and to the east by the IP-120 Industrial Zone. The site is also bordered to the north by the Mahwah River. Although Lots 25 and 57 are in common ownership they are not contiguous, as Brakeshoe Place separates the two lots.

2. The applicant is seeking preliminary and final site plan approval to renovate the existing building on Lot 57 to provide for a 50 seat restaurant along with parking and drainage improvements. In addition, the applicant proposes to renovate the existing garage on Lot 25 to provide for 2 more parking spaces. Paved and striped parking is also proposed on Lot 25 for use with the restaurant.

3. The proposed improvements are depicted on the following:

(a) Site Plans, consisting of 3 sheets entitled "TWJ Mahwah Real Estate, Limited Liability Company, Lots 25 and 57, Block 40, 64 Ramapo Valley Road, Township of Mahwah, Bergen County, New Jersey", prepared by Jeffrey B. Doolittle, P.E., P.L.S., dated April 8, 2015, revised September 23, 2015, having individual titles as follows:

<u>Sheet No.</u>	<u>Title</u>
1 of 3	Soil Erosion and Sediment Control Plan and Site Plan
2 of 3	Earthwork Sections & Calculations, Lighting & Landscaping Plan, Area & Zoning Map
3 of 3	Construction Details

(b) Architectural Plans, consisting of 3 sheets entitled "TWJ Mahwah Real Estate, 64 Ramapo Valley Road, Mahwah, New Jersey", prepared by JMA Architects, dated April 21, 2015, revised October 2, 2015, having individual titles as follows:

<u>Sheet No.</u>	<u>Title</u>
A-1	First Floor Plan
A-2	Basement Plan, Second Floor Plan
A-3	Exterior Elevations

4. In connection with this application, the applicant requested the following variance relief:

(a) Minimum Lot Area – Section 24-4.1 and the Schedule of Area, Bulk and Yard Requirements require that a minimum lot area of 10,000 be provided. Lot 25 has a lot area of 5,932 square feet and Lot 57 has a lot area of 7,300 square feet. This is an existing condition that is not being created or exacerbated by this application.

(b) Minimum Lot Width – Section 24-4.1 and the Schedule of Area, Bulk and Yard Requirements require that a minimum lot width of 50 feet be provided. Lot 25 has an existing lot width of 45 feet. This is an existing condition that is not being created or exacerbated by this application.

(c) Minimum Front Yard Setback – Section 24-4.1 and the Schedule of Area, Bulk and Yard Requirements require that a minimum front yard setback of 10 feet be provided. Lot 25 has an existing front yard setback of 2.41 feet to the garage. This setback is proposed to remain and not be exacerbated. For Lot 57, the existing structure has a setback of 5.28 feet from the Ramapo Valley Road right-of-way, which is proposed to remain and not be exacerbated. The existing structure on Lot 57 is currently set back .32 feet from the Brakeshoe Place right-of-way. This non-conformity is proposed to be increased to provide a front yard setback of .28 feet.

(d) Minimum Side Yard Setback – Section 24-4.1 and the Schedule of Area, Bulk and Yard Requirements require that a minimum side yard setback of 10 feet be provided. For Lot 57, the existing structure has a side yard setback of 7.72 feet. This is an existing condition that is not proposed to be exacerbated.

(e) Minimum Rear Yard Setback – Section 24-4.1 and the Schedule of Area, Bulk and Yard Requirements require that a minimum rear yard setback of 40 feet be provided. For Lot 25, the existing garage currently has a rear yard setback of 4.33 feet. This is an existing condition that is not proposed to be exacerbated.

(f) Maximum Improved Lot Coverage – Section 24-4.1 and the Schedule of Area, Bulk and Yard Requirements limit the maximum improved lot coverage to 80%. The applicant proposes improved lot coverage of 85.68% for Lot 57.

5. In connection with this application, the applicant also requested the following waiver relief:

(a) Minimum Number of Parking Spaces – Section 22-6.2a and Table 1 require that a minimum of 20 parking spaces be provided. The applicant proposes to provide 17 parking spaces.

(b) Minimum Parking Space Setback – Section 22-6.2b(1) requires a minimum parking space setback from the street right-of-way line of 30 feet. The applicant proposes spaces on Lot 25 that do not have a setback from the property line along Brakeshoe Place and, in fact, extend into the Brakeshoe Place right-of-way.

(c) Minimum Parking Setback to Side or Rear Lot Line – Section 22-6.2b(2) requires that a minimum parking setback to a side or rear lot line of 8 feet be provided. The applicant proposes a setback to parking of 3 feet from the side lot line of Lot 57.

(d) Driveway Offsets – Section 22-6.2d(4) requires that driveways on the same site shall not be closer than 60 feet. The driveways for the parking on Lot 57 are offset approximately 50 feet.

(e) 500 Foot Drainage Map – Section 22-5.1b(23) requires that all site plans be accompanied by a plan sketch showing all existing drainage within 500 feet of any boundary. The applicant proposed not to provide however, during the public hearing on September 14, 2015 the applicant agreed to provide the 500 foot drainage map. The applicant did, however, request a waiver as it relates to providing inverts and top of grate elevations on the 500 foot drainage map.

6. During the course of his review, the Township Engineer also identified the following nonconformities:

(a) Buffers – The buffers proposed along the west and south sides of Block 57 do not meet the buffer requirements of the Township.

(b) Sidewalks – The applicant originally proposed not to provide sidewalks along the entire frontage of Brakeshoe Place. However, during the public hearing on October 12, 2015, the applicant agreed to provide sidewalks along the entire frontage of Lot 57 on the south side of Brakeshoe Place and to make a contribution to the Township sidewalk bank in lieu of

providing sidewalks along the north side of Brakeshoe Place.

(c) Topography Within 200 Feet – Section 28-2.4b(2) requires that the present grades of all land within 200 feet of the property be provided. The applicant originally proposed not to provide; however, during the public hearing on September 14, 2015 the applicant agreed to provide the 200 foot topography map.

7. At the public hearing on September 14, 2015 the applicant presented the following testimony:

(a) George Jamieson, a Member of TWJ Mahwah Real Estate, LLC testified that he has been a restaurant owner for over 20 years and that he currently operates 10 restaurants. Mr. Jamieson described the proposed restaurant as a small, family-style Italian restaurant. The restaurant will not have a liquor license. Mr. Jamieson testified that the hours of operation will be 11:00 am through 10:00 pm, 7 days per week, with a maximum of 6 to 8 employees at any given time. Parking for employees will be provided at a nearby self-storage facility. He further testified that deliveries to the restaurant will be scheduled for the off hours, between 8:00 am and 11:00 am. Finally, Mr. Jamieson testified that daily recycling and refuse pickup will be done pursuant to a contract with a private contractor, which will allow him to direct the hours of pickup.

(b) After presenting his credentials and being accepted by the Board as an expert witness in the field of engineering, Jeffrey B. Doolittle, P.E., P.L.S., P.P., a licensed professional engineer, surveyor and planner, testified that the subject property consists of two separate lots, under common ownership, which are used in conjunction with one another. He testified that Lot 57, which has an area of approximately 7,300 square feet, contains an existing building, drainage facilities and some landscaping, while Lot 25, which has an area of approximately 5,932 square feet, contains an existing garage and a gravel parking area for the building. Mr. Doolittle testified that, although neither lot by itself meets the minimum lot area requirements of the Township Code, taken together the overall site exceeds the 10,000 square foot minimum lot area requirement. Mr. Doolittle described the proposed improvements. He testified that the existing building on Lot 57 will be renovated to provide for a 50 seat restaurant. The building will have 2 entrances with the main entrance being at the rear and the handicapped accessible entrance being located at the front. Access to the handicapped accessible entrance will be by means of a ramp extending along the south side of the building to the front entrance. Storm drainage facilities, landscaping and a sidewalk for pedestrians are also proposed. Mr. Doolittle also testified that the existing garage on Lot 25 will also be renovated and will be used to provide 1 employee parking space and a trash/recycling collection area. The gravel parking area on Lot 25 will be pulled back from the top of the bank of the Mahwah River and paved and a curb line will be established on the north side of Brakeshoe Place. In addition, a utility pole which is currently located within the roadway will be relocated and a crosswalk, detection surfaces and a stop bar will be provided at the end of Brakeshoe Road. Mr. Doolittle testified that relocating the utility line and providing sidewalks and curbing where they do not currently exist will better delineate Brakeshoe Road and enhance safety in the area of the site. With regard to lighting, Mr. Doolittle testified that 4 light poles will be provided on Lot 25 and 2 light poles will be provided in the parking area on Lot 57 and that back shields will be provided to shield adjoining properties. Mr. Doolittle further testified that the lights will be in operation when the

restaurant is open and at other times as required by the Mahwah Police Department to provide adequate security. Finally, Mr. Doolittle addressed the variances and waivers and testified that the applicant would provide the 500 foot drainage map and the 200 foot topographic map, thereby eliminating the need for the waivers relating to the maps.

(c) After presenting his credentials and being accepted by the Board as an expert witness in the field of architecture, John Musinski, AIA, a licensed professional architect with the firm of JMA Architects, LLC, presented an exhibit, consisting of a colorized version of the elevations of the proposed renovated building. He testified that the main kitchen and dining area will be located on the first floor, the prep kitchen will be located on the lower level and paper storage and office space will be located on the top floor. Mr. Musinski testified that the applicant will be installing a new metal roof, resembling ceramic tiles, stucco siding and windows in order to create a rustic Italian villa appearance. He also testified that an unsafe portion of the rear of the building will be replaced. There will be no change in the height of the building as a result of the renovation. Finally, Mr. Musinski testified that signage will comply with the requirements of the Township Code.

8. At the public hearing on October 12, 2015 the applicant presented the following testimony:

(a) Jeffrey Doolittle, P.E., P.L.S., P.P. presented an exhibit, consisting of revised site plans. Mr. Doolittle testified that the following revisions were made to the site plans since the prior hearing:

(1) The refuse/recycling area has been removed from the garage and relocated to the farthest parking stall behind the restaurant. The refuse/parking area will be located on a concrete pad and will be shielded by appropriate fencing and the garage will be used to provide 2 employee parking spaces.

(2) The handicapped accessible entrance has been relocated from the front to the west side of the building. As a result, the ramp leading to the handicapped accessible entrance has been shortened and the green area has been increased. In addition, the stairs originally proposed for the porch at the front of the building have been eliminated and there will be no access to the restaurant from the front of the building. Now the only entrance to the restaurant will be from the rear. Mr. Doolittle reiterated his testimony at the September 14th meeting that the 200 foot topographic map will be submitted, thereby eliminating the need for that waiver. He also reiterated his testimony that the 500 foot drainage map will be submitted; however, he testified that requiring the applicant to provide inverts and top of grate elevations on the 500 foot drainage map would be unduly burdensome and, for that reason, the applicant was requesting a waiver to provide a 500 foot drainage map that does not fully conform to the requirements of the Township Code. Mr. Doolittle also testified that the applicant would provide sidewalks along the entire frontage of the south side of Brakeshoe Place and would contribute to the sidewalk bank in lieu of providing sidewalks along the north side.

(b) At the public hearing on October 12, 2015 the applicant's counsel provided the Board with a copy of an agreement between the applicant and the operator of the self-storage facility across Ramapo Valley Road. This agreement provides for the monthly lease

of 10 parking spaces to be used for employees or patrons of the restaurant. In response to comments and questions by Members of the Board, the applicant agreed to the following:

(1) The applicant proposes to provide not less than 10 parking spaces off-site, at the nearby self-storage facility, for employee parking. Recognizing that the applicant does not meet the minimum parking space requirement for a 50 seat restaurant, in the event the 10 parking spaces are no longer available for use by the applicant, the applicant will reduce the number of seats in the restaurant by 8 seats.

(2) The restaurant will provide valet parking for patrons on Friday and Saturday evenings, as needed.

(3) Queuing for valet parking will be done on-site and not on Brakeshoe Place.

(4) When patrons enter the restaurant to be seated, they will be asked by the Host/Manager where they are parked and, if they are parked on Brakeshoe Road, they will be asked to move their vehicles.

(5) The applicant will contact the New Jersey Department of Environmental Protection to see if whether any portion of the proposed parking area on Lot 25 can be relocated closer to the top of the bank of the Mahwah River.

(c) John Musinski, AIA presented revised architectural drawings. He testified that the steps originally proposed to provide access to the restaurant from Ramapo Valley Road have been eliminated. As a result, the porch at the front of the restaurant will not be used for any purpose but, rather, will be an architectural feature only. In addition, a door has been added at the rear of the north side of the restaurant to provide a handicapped accessible entrance.

9. The applicant proposes to move the following quantities of soil in connection with the construction of the proposed improvements:

Volume of Cut	297	c.y.
Volume of Fill	32	c.y.
Volume of Import	22	c.y.
Volume of Export	269	c.y.

As noted in the Township Engineer's report dated October 7, 2015, the volume of cut plus import must equal fill plus export. The volumes provided by the applicant must be revised accordingly and correct volumes presented to the Township Engineer for review and approval.

10. The Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., gives the Planning Board the power, when reviewing applications for site plan approval, to grant bulk variances in accordance with N.J.S.A. 40:55D-70(c). In order for the Board to grant bulk variances, however, the applicant must demonstrate either: (1) hardship arising out of the exceptional narrowness, shallowness, shape or exceptional topographic conditions of a specific piece of property; or (2) that the purposes of the Municipal Land Use Law would be advanced by a deviation from the

zoning ordinance requirements and that the benefits of granting the variance would outweigh any detriment to the public good (the "positive criteria"). The applicant must further demonstrate that granting the requested variance relief will not impair the intent and purpose of the zone plan and the zoning ordinance (the "negative criteria"). As in all variance cases, the applicant bears the burden of establishing both criteria to the satisfaction of the Planning Board.

11. The Board finds from the testimony of the applicant's witnesses and from the evidence presented by the applicant that the applicant has met its burden of demonstrating the positive criteria to justify the granting of the bulk variances.

(a) With regard to the variances relating to minimum lot area, minimum lot width, minimum side yard setback and minimum rear yard setback, the Board finds that these are relating to existing conditions that are not being created or exacerbated by this application.

(b) With regard to the variance relating to minimum front yard setback, the Board notes that the existing structure on Lot 57 is currently set back .32 feet from the Brakeshoe Place right-of-way and that the applicant proposes to reduce that to .28 feet. The Board finds from the testimony and exhibits presented by the applicant at the public hearings that the decrease in the setback is de minimis and is necessary to properly renovate the building. The Board further finds that the improvements, as proposed, will enhance the aesthetics and utility of the site and that granting the variance to permit the reduction in the setback will not result in any detriment to the public good. Accordingly, subject to the conditions set forth below, the Board will grant this variance.

(c) With regard to the variance relating to maximum lot coverage, the Board notes that the existing improved lot coverage on Lot 57 is 80% and that the applicant proposes to increase that to 85.68%. The Board finds from the testimony and exhibits presented by the applicant at the public hearings that the increase in improved lot coverage is de minimis and results from the fact that the subject property consists of 2 lots that are physically separated by Brakeshoe Place. If the two lots were not separated by the roadway, the site would meet the improved lot coverage requirements. The Board further finds that, in light of the physical layout of the site, and the uses in the surrounding area, granting the variance to permit the increase in maximum lot coverage will not result in any detriment to the public good. Accordingly, subject to the conditions set forth below, the Board will grant this variance.

(d) With regard to the variance relating to insufficient buffers, the Board finds that this is an existing condition that is neither being created or exacerbated by this application. The Board notes that the site is adjacent to another commercial use to the south and to a private access drive to the west. The Board finds that, in light of the location of the site, and the nature of the structures and uses adjacent to the site, the required buffers are not required. The Board further finds that granting the variance to allow the applicant not to provide buffers will not result in any detriment to the public good. Accordingly, subject to the conditions set forth below, the Board will grant this variance.

12. The Board finds from the testimony of the applicant's witnesses and from the evidence presented by the applicant that granting the variances will in no way result in any detriment to the public good but, rather, will enhance the appearance and functionality of the site,

minimize disturbance on the site, and result in a benefit to the area. Finally, the Board finds from the testimony of the applicant's witnesses and from the evidence presented by the applicant that granting the requested variances will not impair the intent and purpose of the zone plan or the zoning ordinance. Rather, granting the variances will result in an updated, attractive and efficient commercial site along Ramapo Valley Road within the B-10 Zoning District. Accordingly, the Board will grant the requested variances.

13. Section 22-3.3 of the Township Code gives the Planning Board, when acting upon applications for site plan approval, the power to grant such exceptions (waivers) from the requirements of the Site Plan Ordinance as may be reasonable and within the general purpose and intent of the provisions for site plan review if the literal enforcement of one or more provisions is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

(a) With regard to the waiver relating to minimum number of parking spaces, the Board is satisfied that, because of the extent of the existing development on Lot 57 and the proximity of Lot 25 to the top of the bank of the Mahwah River, it would be impracticable for the applicant to provide the required 20 parking spaces. The Board is further satisfied that the availability of 10 parking spaces available to the applicant on the nearby self-storage site minimizes any detriment that may result from the insufficient parking available on site. Accordingly, subject to the conditions set forth below, the Board will grant this waiver.

(b) With regard to the waiver relating to minimum parking space setback on Lot 25 to the Brakeshoe Place right-of way, the Board is satisfied that the proximity of the parking area to the top of bank of the Mahwah River makes it impracticable for the applicant to provide the required setback. Accordingly, subject to the conditions set forth below, the Board will grant this waiver.

(c) With regard to the waiver relating to minimum parking setback to the side lot line of Lot 57, the Board is satisfied that, because of the area and configuration of Lot 57, it would be impracticable for the applicant to provide the required setback. The Board notes that the parking area in question is immediately adjacent to another commercial parking area and, for that reason, there will be no adverse aesthetic or safety impact resulting from the insufficient setback. Accordingly, subject to the conditions set forth below, the Board will grant this waiver.

(d) With regard to the waiver relating to driveway offsets, the Board notes that the applicant is proposing to construct two driveways – one way in and one way out – which will facilitate the safe and efficient flow of traffic in and out of the site. The Board is satisfied that, because of the depth of Lot 57, it would be impracticable for the applicant to provide two one-way driveways while maintaining the required 60 feet offset. The Board is further satisfied that the alternative – one two-way driveway – would result in a less efficient traffic flow. Accordingly, subject to the conditions set forth below, the Board will grant this waiver.

(e) With regard to the waiver relating to the 500 foot drainage map, the Board notes that the applicant has agreed to provide the map but has requested a waiver to allow the applicant not to provide inverts and top of grate elevations. In support of this waiver application, the applicant's engineer, Jeffrey Doolittle, P.E., P.L.S., P.P. testified that inverts and top of grate

elevations are provided on the 200 foot topographic map. The Board is satisfied that, because of the fact that the site and the surround area are fully developed, providing the inverts and tops of elevation on the 500 foot drainage map would be unduly burdensome on the applicant. Accordingly, subject to the conditions set forth below, the Board will grant this waiver.

(f) With regard to the waiver relating to sidewalks, the Board notes that the applicant will provide sidewalks along the south side of Brakeshoe Place, connecting to the sidewalk on Ramapo Valley Road. The applicant will also provide a sidewalk along the north side of Brakeshoe Place, from the end of the parking area connecting to the sidewalk on Ramapo Valley Road. The applicant has offered to make a contribution to the Township sidewalk bank in lieu of constructing sidewalks along the rest of the north side of Brakeshoe Place. The Board is satisfied that, in light of the location of the parking area adjacent to the north side of Brakeshoe Place, the placement of sidewalks in this area is impracticable. Accordingly, subject to the applicant making a contribution to the sidewalk bank, the Board will grant this waiver.

14. The Board further finds that, under the circumstances, the waivers are reasonable under the circumstances, within the general purpose and intent of the Site Plan Ordinance and part of an overall plan which, for the reasons set forth above, is acceptable. Accordingly, subject to the conditions set forth below, the Board will grant the requested waivers.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Planning Board of the Township of Mahwah that the Planning Board, for the reasons set forth above, does hereby grant preliminary and final site plan approval to permit the renovation of the existing building to provide for a 50 seat restaurant along with parking and drainage improvements on the property owned by the applicant and designated as Block 40, Lots 25 and 57 on the current tax assessment map of the Township of Mahwah and located at 64 Ramapo Valley Road in the Township of Mahwah, together with the requested variance and waiver relief, as more particularly set forth above, and as shown on the above-referenced plans, subject to the following conditions:

1. The applicant shall revise the plans, and revise/submit supplemental and supporting data in accordance with the applicable comments contained in the Township Engineer's reports dated August 31, 2015 and October 7, 2015 and obtain the written approval of same from the Township Engineer's Office.

2. The applicant proposes to provide parking on Lot 25 within the Brakeshoe Place right-of-way. As required by Section 15-2.4(c) of the Township Code, the applicant must request and obtain permission from the Mahwah Township Council to use the right-of-way. This approval is specifically contingent upon receipt of Township Council permission to use the right-of way for parking. Therefore, in the event the Township Council does not give its permission for the applicant to use the right-of-way, this approval shall be null and void.

3. The applicant shall request that the Township Council adopt an ordinance and install signage on Brakeshoe Place in the area of the subject property permitting "Resident Parking Only" on those days and during those hours in which it is anticipated that the restaurant will be busy. The Administrative Officer shall also prepare and send a letter to the Township Clerk requesting that the Council consider adopting such an ordinance and installing the required signage.

4. The applicant also proposes to provide 10 employee parking spaces off-site on the nearby self-storage site, pursuant to a month-to-month lease. If these 10 parking spaces shall, at any time and for any reason, become unavailable for use by the applicant, the applicant shall reduce the number of seats in the restaurant by not less than 8 -- that is, from 50 seats to 42 seats.

5. The applicant shall provide valet parking for patrons of the restaurant on Friday and Saturday evenings, as needed.

6. Queuing for valet parking for patrons of the restaurant will be done on-site and not on Brakeshoe Place.

7. The applicant shall instruct its staff that, when patrons enter the restaurant to be seated, they shall be asked by the Host/Manager where they are parked and, if they are parked on Brakeshoe Place, they shall be asked to move their vehicles.

8. The applicant will provide signage on the site directing patrons that no restaurant parking is permitted on Brakeshoe Place. The signage shall be subject to the review and approval of the Township Engineer.

9. There shall be no seating permitted on the porch at the front of the restaurant.

10. The applicant will contact the New Jersey Department of Environmental Protection to see if whether any portion of the proposed parking area on Lot 25 can be relocated closer to the top of the bank of the Mahwah River. If so, the applicant will apply for amended site plan approval to permit the relocation of the parking area on Lot 25.

11. The applicant shall renovate the existing garage on Lot 25 so that it is similar in appearance to the restaurant on Lot 57.

12. The applicant shall install a depressed curb to delineate the parking area on Lot 25. The location and specifications of the dropped curb shall be subject to the review and approval of the Township Engineer.

13. Signage on site shall comply with the requirements of the Township Code unless approved by the Planning Board upon further application by the applicant.

14. The lighting on site shall comply with the requirements of the Township Code. Lighting shall be subject to review by the Township Engineer for a period of 6 months after installation and shall be subject to modification and change if determined to be necessary by the Township Engineer.

15. The applicant shall not be required to construct sidewalks along the north side of Brakeshoe Place adjacent to the parking area. In lieu thereof, the applicant shall contribute an amount equivalent to the cost of the sidewalks, as determined by the Township Engineer, which shall be used by the Township for construction of sidewalks at other locations within the Township.

16. The applicant shall record a Deed to the subject property which will provide that Lots 25 and 57 shall be held in common ownership, shall be used for one individual use and shall not, without the prior written approval of the Township of Mahwah, be sold as individual lots. A copy of the proposed Deed shall be submitted to the Planning Board Attorney and Township Engineer for review and approval prior to recording and a copy of the recorded Deed shall be submitted to the Township.

17. As required by Section 22-3.5 of the Township Code, and as a condition of the issuance of a building permit, the applicant shall enter into a Developer's Agreement with the Township of Mahwah to be prepared by the Planning Board Attorney detailing the nature and scope of the work to be constructed incident to the within application and the posting of a surety to guarantee the performance by the applicant.

18. This approval is subject to receipt of all necessary governmental approvals, including but not limited to the New Jersey Department of Environmental Protection, Bergen County Planning Board, Bergen County Soil Conservation District approvals and, if required, a Highlands Determination from the NJDEP. If any other governmental agency requires any substantial changes to the plan, this Board reserves the right to review and approve of such additional changes.

19. The applicant shall post all fees and deposits as required by the Township Code including any outstanding deficiencies in any escrow accounts.

BE IT FURTHER RESOLVED that a soil movement permit to move soil in connection with the construction of the proposed improvements, as depicted on the above referenced plans, be and is hereby granted, subject to the following conditions:

1. The applicant shall satisfy all the applicable requirements relating to soil movement set forth in the Township Engineer's reports dated August 31, 2015 and October 7, 2015.

2. The applicant shall submit/revise Section I (Pre-Approval Data Requirements) and Section II (Post-Approval/Pre-Issuance Data Requirements) of the Soil Movement Permit Application, as noted in the Township Engineer's reports, submit/resubmit same, and secure the written approval of same from the Township Engineer's Office.

3. As noted in the Township Engineer's report dated October 7, 2015, the volumes of soil movement provided by the applicant are incorrect. The volume of cut plus import must equal fill plus export. The volumes provided by the applicant must be revised accordingly and correct volumes presented to the Township Engineer for review and approval.

4. The applicant shall secure Chief of Police approval of the proposed routes of travel.

5. The applicant shall submit a Certificate of Insurance acceptable to the Township's risk manager.

6. The applicant shall apply for and obtain permission from the Township Council to provide parking within the Brakeshoe Place right-of-way.

7. Items 1 through 6 must be met prior to the start of soil movement operations.

8. The final grading of the site must ensure that additional surface runoff does not flow or get trapped on any adjoining property. The Township reserves the right to direct regrading of the site if it is not graded properly.

BE IT FURTHER RESOLVED, that the Administrative Officer shall forward a copy of this Resolution to the Construction Official, Police Department and the applicant.

A motion to approve the above application was adopted on October 12, 2015 by the following vote:

Name	Motion	Second	Yes	No	Abstain	Absent
Mayor Laforet			X			
Councilwoman Ariemma				X		
Mr. Bagatelle						X
Mr. Crean	X		X			
Mr. Donigian		X	X			
Mr. Marcus						X
Mr. Sherer, Chairman			X			
Mr. Van Duren			X			
Mr. Weixeldorfer			X			
Mr. Howard, Alternate I					X	
Mr. Lo Iacono, Alternate II			X			
Total			7	1	1	2

The Board memorialized its findings on October 26, 2015 the following vote:

Name	Motion	Second	Yes	No	Abstain	Absent
Mayor Laforet						
Councilwoman Ariemma						
Mr. Bagatelle						
Mr. Crean						
Mr. Donigian						
Mr. Marcus						
Mr. Sherer, Chairman						
Mr. Van Duren						
Mr. Weixeldorfer						
Mr. Howard, Alternate I						
Mr. Lo Iacono, Alternate II						
Total						

MAHWAH PLANNING BOARD

Dated: _____

By: _____
Todd Sherer, Chairman

Michael J. Kelly, P.E.
Administrative Officer

Robert Hermansen

From: Robert Hermansen
Sent: Wednesday, August 02, 2017 1:06 PM
To: Vincent Giovinco
Subject: Re: What is your position on the ERUV issue?

Call me anytime.

Sent from my iPad

On Aug 2, 2017, at 8:48 AM, Vincent Giovinco [REDACTED] wrote:

What are convenient times to call?

Sent from my iPhone

On Aug 2, 2017, at 12:33 AM, Robert Hermansen <RHermansen@mahwahtwp.org> wrote:

Call me at [REDACTED] and will talk about these issues.

Sent from my iPad

On Aug 1, 2017, at 4:46 PM, Vincent Giovinco [REDACTED] wrote:

Dear Mr. Hermansen:

1. When did you become aware of the installation of the ERUV's and by which Town entity (Police, Parks, etc.)?
2. What is your position on this issue?
3. Does the fact that it is a matter of public record that thirty members of this same Orthodox group have been indicted recently in NJ for the State and Federal government of tax evasion, defrauding welfare and Medicare bother you?
4. What action do you anticipate taking on the issue?

Awaiting your comments

Vincent J Giovinco
[REDACTED]

Redacted-
Email
Addresses
& Telephone

[Signature]

Robert Hermansen

From: Robert Hermansen
Sent: Wednesday, August 02, 2017 1:23 AM
To: Brian Chewcaskie; Quentin Wiest; William Laforet; mgiacobbe@cgajlaw.com
Cc: Jonathan Wong; Janet Ariemma; James Wysocki; George Ervin; Steve Sbarra; David May
Subject: Chief Batelli's email

I spoke to 3 of you today and as I lay in my bed having a hard time sleeping I just wanted to share some of my thoughts.

Mayor you and I spoke today about the Chief's e-mail stating I gave you a directive to call him in regards to a tour of a family in our police station. You agreed with me that I never gave you a directive and that I could not give you a directive. I reiterated the same thing to Brian and Quentin. Tonight after my game I received a call from Jessica at the Associated Press telling me that the Chief is again on record stating I made disparaging remarks about a religious group and that I directed the mayor to call him over it. I am asking that the Mayor and our attorney to respond to this, informing the Police Chief that he is not telling the truth and to please retract his statement to the press and the public and in his email.

I am starting to become seriously concerned with the continual lies that are coming from the department head of our police department. Chief Batelli blatantly lied to the PBA and the rank and file over our rules and regulations. He also lied to them in regards to who was responsible for introducing and changing them. He then continued to lie to them over who changed the language and what we were trying to do with covering of their tattoos and their breaks and where they could go for lunch. We all know this impossible as not one member of the Council had ever seen those rules and regulations. In fact, those rules and regulations were given to the Police Chief more than an entire week before they were even discussed with the Council. He then took that privileged information and forwarded them to the PBA even though it stated clearly on them PRIVILEGED. Then 2 days ago the Chief again sent us another email attacking me. It was the 2nd attack email that was sent by him about me and our Council within the last 3 days. This is another pattern that we have seen from him over the years I have served on the Council. Attack, after attack, on each council member asking that they recuse themselves due to his comments about them. He has attacked department heads and even went as far as walking into the consultant, that the Council hired to help make a recommendation who our new DPW Head would be, to tell them why a certain person could not be hired for the position. He will tell you he has a right to his opinion. He now is telling us that he only found out about our park ordinance in July, even though the council, our attorney and administration had been talking about this issue since May. I will repeat as I have to you now several other times already that the attorney makes ordinances that they believe is the best law, we pass the laws and the head of law enforcement enforces the laws. During discussions about the ordinance it was told to the ordinance committee that the Chief did not want to enforce the ordinance without further guidance from administration or our attorney general. I am still trying to figure how administration is supposed to know about law enforcement than the head of our department. I am also confused how our Chief of Police ended up at our Prosecutor's office when he told us he would be contacting the Attorney General.

As for the ERUV he is claiming that I am telling people he approved the ERUV. This is another lie, I am on the record stating that no one in town ever gave permission for the PVC pipe to be placed on the utility poles. I had spoken to Mike Kelly about this issue and we discussed a potential letter he was considering writing. After speaking to the Mayor, Mike wrote a letter and addressed this situation, that no one in administration gave permission to place anything on the poles and that permission would be needed in order to do so. What I have stated to individuals is that the Chief knew about ERUV as he supplied security detail for the installation but that he never nor did anyone else give the approval for the installation of the PVC pipes. His continual lies has now put Mahwah in very difficult position in regards to a religious community. He also has stated on the record that he was being asked by our residents to put forth an ordinance to keep Orthodox Jews out of our parks. I am confused by this as he does not make the laws but enforces them, of course only when he does not have issues with enforcing them. I can go on and on from telling us he did not want to enforce the no

left turn on Brook, to the hostile work environment he charged against Councilman Roth and myself and so on. I am asking we start to look into departmental charges and discipline against him. I would like to know what the Council's rights are and what if anything we can do to stop the Police Chief from lying in his emails and to the public and the press. If I recall and we did tape the meeting the Police Chief told us that the 1st rule and reg, every cop must follow is that they are not allowed to lie, lying is grounds for dismissal. If a police officer lies how can you believe him or her again. We have a wonderful police department and one which we should all be proud of, we should also be able to be proud of whoever is in charge of the department. At this time I believe that is not possible. Please advise the Council of what we can and what we should do to in order to deal with this continuing situation. Our Mahwah residents and our Police Department deserve better than this. I ask this be kept confidential as this is client attorney privilege over a personnel matter. Thank you for prompt attention to this matter. I will be forwarding this email also to the Council. I ask that they too keep this email and the responses from our attorneys confidential, unless stated otherwise by our counsel.

Sincerely yours,

Robert G. Hermansen

Sent from my iPad

Robert Hermansen

From: Robert Hermansen
Sent: Wednesday, August 02, 2017 12:34 AM
To: Vincent Giovinco
Subject: Re: What is your position on the ERUV issue?

Call me at [REDACTED] and will talk about these issues.

Sent from my iPad

On Aug 1, 2017, at 4:46 PM, Vincent Giovinco [REDACTED] wrote:

Dear Mr. Hermansen:

1. When did you become aware of the installation of the ERUV's and by which Town entity (Police, Parks, etc.)?
2. What is your position on this issue?
3. Does the fact that it is a matter of public record that thirty members of this same Orthodox group have been indicted recently in NJ for the State and Federal government of tax evasion, defrauding welfare and Medicare bother you?
4. What action do you anticipate taking on the issue?

Awaiting your comments

Vincent J Giovinco
[REDACTED]

Redacted -
Telephone #
and Email
Address.

[Handwritten signature]

Robert Hermansen

From: Robert Hermansen
Sent: Monday, July 31, 2017 6:32 PM
To: Brian Chewcaskie
Subject: Fwd: FW:
Attachments: image001.jpg

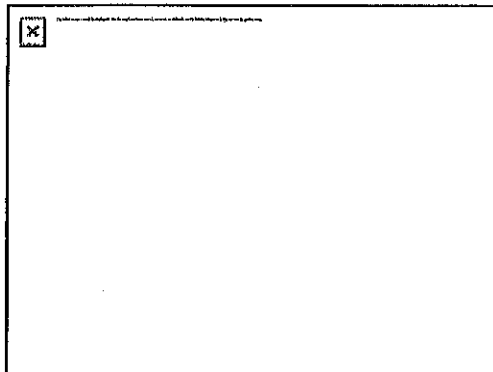
Sent from my iPad

Begin forwarded message:

From: Quentin Wiest <QWiest@mahwahtwp.org>
Date: July 31, 2017 at 9:41:57 AM EDT
To: Robert Hermansen <RHermansen@mahwahtwp.org>
Subject: FW:

FYI

Quentin Wiest
Business Administrator
Township of Mahwah
475 Corporate Drive
Mahwah, NJ 07430
QWiest@MahwahTwp.org
201-529-5757 x 265



From: Chief James N. Batelli
Sent: Sunday, July 30, 2017 12:08 PM
To: Quentin Wiest; William Laforet; Brian Chewcaskie
Subject:

I wish to bring these matters to your attention:

1. **Council President Hermansen is telling residents I approved the ERUV's.** This is not factual and he knows that. I neither have the authority nor is there any documentation nor any individual from Orange and Rockland that has stated that I approved the ERUV's. The fact is the Township was advised in early May via e-mail that ERUV's were going to be installed and on what specific poles and locations.

The Township took no position to oppose the installation or even question their installation.

2. In an article on the Bergen Record on July 28th 2017 **Council President Hermansen "accused Batelli of sitting on the sidelines during the drafting, introduction and adoption of the Ordinance and was blindsided by the Chief's decision to contact the Prosecutor's office..."** This is not factual and there are documents to support this yet the Township takes no action to stop my character from being defamed in public arena. The Mayor sent me the Ordinance on July 7th at 9:53 a.m. asking for input on what the sign should look like. At 10:28 a.m. the same day I responded with inquiries and those inquiries continued. On July 19th I sent an e-mail again questioning the legality of the Ordinance and that is posed bias based profiling issues. I informed the Township that if I did not receive legal direction from the Township on this I would be left with no choice but to go to the Attorney General. There was no response. On July 20th, 2017 one week before the Ordinance was to become law I sent a four page letter to the Township expressing my concerns and asking for legal guidance. Again absolutely no response. Left with no choice I contacted Prosecutor Gurbir Grewal who ruled the Ordinance unconstitutional and I would have violated the law if I enforced the Ordinance enacted by Council. I believe the Township was setting me up for failure by either directing me to enforce an unconstitutional Ordinance or possibly face insubordination charges by not enforcing the law. Despite the Ordinance being ruled unconstitutional Council President Hermansen is still directing the signs be installed at the park as a "deterrent". Despite knowing the Council President Hermansen's comments about me sitting on the sidelines during the drafting, introduction and adoption of the Ordinance were false the Township took no position to correct them and again allowed my character in the community to be defamed.

3. **Council President Hermansen directed the Mayor to ask me if I gave a group of Hassidic children a tour of police headquarters.** This was done in the presence of another Council member and I believe the Business Administrator. During my tenure of Chief I have never been asked the race, religion, or ethnicity of a group being given a tour and when asked what difference the religion of a tour was I received no answer so I will again ask what was the purpose of that question? Clearly some serious conclusions can be made when we are now questioned about religious background of tour groups.

Lastly as I have written before during the July 27th, 2017 Council meeting, Council member Jim Wysocki stated there were administrative issues within the Police Department and the Council had been discussing them for some time. I have asked for what those administrative issues are so I can correct them. I also question why I wasn't provided a Rice notice if these administrative issues were discussed. They were not listed on any public agenda that I saw nor any closed session agenda summary that I was sent. Is it the intention to claim "for some time" there were issues within the Police Department and not advise the Chief so they can be corrected. The Matrix study at a cost of \$50,000 found no critical negative administrative issues, our agency is CALEA certified, in 14 years I believe there has been only 4 grievances and three of those were the result of Council actions, our agency has seized over 3 million dollars and used it to improve the agency. A six month summary sent to the Business Administrator found summonses increased, calls for service increased and overtime was down. Council member Wysocki has never talked to me or any other administrative office in the department so where is he getting his information, what is the information, what is he basing it on and what are the issues. Am I not entitled to address these so called administrative issues and provide an explanation if they actually exist? I have never been reprimanded or failed to provide any documentation asked for by the Council or the Mayor. When Council member Wysocki was elected I documented in writing an issue with a Wysocki family member who was previously employed in our agency and expressed my opinion that this may influence Jim Wysocki's decisions on actions involving the Police Department.

This Council does not let facts get in their way when attempting to defame my character in the community. It was only a short time ago that Council made a public statement that overtime was out of control and poorly managed only to have the Matrix Study find it was managed efficiently and we were 5% to 7% below national standards.

In the past I have been told "Council can be advised but they cannot be told what to say." Regardless of that opinion I have a right as an employee of the Township to work in an environment free of harassment

and without blatant mistruths about me told to the public that maligns my character and standing in the community.

James N. Batelli
Chief of Police
Mahwah Police Department
201-831-2002 Administrative Assistant Kathleen Kelly
201-831-2000 Direct Line

A Nationally Accredited Law Enforcement Agency through CALEA - www.calea.org

Robert Hermansen

From: Robert Hermansen
Sent: Sunday, July 23, 2017 7:40 PM
To: William Laforet
Subject: Re: Attorney inquiry

The problem is we want nothing on our poles, plain and simple

Sent from my iPad

> On Jul 23, 2017, at 5:15 PM, William Laforet <WLaforet@mahwahtwp.org> wrote:

>

> All, FYI. At approximately noon this afternoon it was reported on

> Facebook that a story has appeared in the Associated press regarding Mahwah and the letters we have sent.

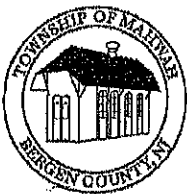
(Attached) At about 1:23pm I was contacted by an attorney from NYC. It was a general inquiry seeking clarification as to what the Townships issue is with the ERUV.

> I bring this to your attention. I am forwarding our Township Attorney any and all inquiries as we receive them, with the specifics.

>

> <https://apnews.com/03f0754ef93d4e69bd7a29dc3ad07cad>

>



Township Of Mahwah

Municipal Offices: 475 Corporate Drive
P.O. Box 733 • Mahwah, NJ 07430
Tel 201-529-5757 • Fax 201-512-0537

Board of Adjustment x 245

Property Maintenance x 246

Zoning/Planning Board x 245

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
And VIA REGULAR MAIL

July 21, 2017

South Monsey Eruv Fund
31 Morris Road
Spring Valley, NY 10977

Re: Installation of Signs on Utility Poles
Zoning Violations
East Mahwah Road, Airmont Avenue,
Masonic Road and Sparrowbush Road
Township of Mahwah
Our File No. MA-75-28

To Whom It May Concern:

It has come to my attention that the South Monsey Eruv Fund has installed an eruv along utility poles in the Township of Mahwah. In reviewing the Zoning Ordinance of the Township of Mahwah, same is impermissible as the installation of an eruv would constitute a sign on a utility pole.

I direct your attention to the following section of the Township of Mahwah Zoning Ordinance, which defines a sign as follows: "Sign shall mean any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public". (Section 24-2.2). Further, the Township Zoning Ordinance specifically prohibits the following signs within all zones in the Township: "Signs placed on trees, rocks or utility poles". (Section 24-6.8F(3)(c)).

In reviewing the ordinance, the installation of an eruv constitutes a prohibited activity and is therefore in violation of the ordinance sections mentioned herein. You must take the appropriate steps to remove the eruv that has been presently installed and cease further installation of same.

You must commence the removal of the eruv no later than July 28, 2017 and must complete the removal of all eruv no later than August 4, 2017. Should these deadlines not be met, we will recommend that summonses be issued for the violations that have occurred. In addition, you must provide me with notification of the commencement of removal.

South Monsey Eruv Fund

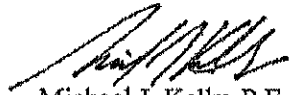
July 21, 2017

Page 2

If you have any questions concerning the applicability of the ordinance, please do not hesitate to contact me.

Very truly yours,

BOSWELL McCLAVE ENGINEERING



Michael J. Kelly, P.E.
Administrative Officer
Department of Land Use and
Property Maintenance

MJK/jg

cc: The Honorable Mayor and Council
Quentin Wiest, Township Business Administrator
Kathrine G. Coviello, Township Clerk
Geri Entrup, Planning Department
Chief James N. Batelli, Mahwah Police Department
Kenny Sullivan, Rockland Electric Company
Michelle Damiani, Rockland Electric Company
Chaim Steinmetz

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Township Of Mahwah

Municipal Offices: 475 Corporate Drive
P.O. Box 733 • Mahwah, NJ 07430
Tel 201-529-5757 • Fax 201-512-0537

Board of Adjustment x 245

Property Maintenance x 246

Zoning/Planning Board x 245

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
And VIA REGULAR MAIL

July 21, 2017

Vaad Heiruv Inc.
51 Ashel Lane or 56 Crest Court
P.O. Box 118
Monsey, NY 10952

Re: Installation of Signs on Utility Poles
Zoning Violations
East Mahwah Road, Airmont Avenue,
Masonic Road and Sparrowbush Road
Township of Mahwah
Our File No. MA-75-28

To Whom It May Concern:

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South Monsey Eruv Fund

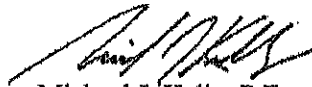
July 21, 2017

Page 2

If you have any questions concerning the applicability of the ordinance, please do not hesitate to contact me.

Very truly yours,

BOSWELL McCLAVE ENGINEERING



Michael J. Kelly, P.E.
Administrative Officer
Department of Land Use and
Property Maintenance

MJK/jg

cc: The Honorable Mayor and Council
Quentin Wiest, Township Business Administrator
Kathrine G. Coviello, Township Clerk
Geri Entrup, Planning Department
Chief James N. Batelli, Mahwah Police Department
Kenny Sullivan, Rockland Electric Company
Michelle Damiani, Rockland Electric Company
Chaim Steinmetz

170721JGE.doc

24-2 DEFINITIONS AND WORD USAGE.

24-2.1 Word Usage.

Unless the context otherwise indicates, the following definitions shall be used in the interpretation and construction of this Chapter. Words used in the present tense include the future; the singular number shall include the plural and the plural, the singular; the word "structure" shall include the word "building"; the word "person" includes a corporation as well as an individual; the word "lot" includes the word "plot"; the word "occupies" includes the words "designated or intended to be occupied"; the word "used" shall include the words "arranged, designed, constructed, altered, converted, rented, leased or intended to be used"; the word "shall" is mandatory and not optional, and the word "may" is permissive. (Ord. #574; 1976 Code §179-5)

24-2.2 Definitions.

As used in this Chapter:

Accessory use or structure shall mean use or structure subordinate to the principal use of a building or structure on the same zone lot and serving a purpose customarily incidental to the principal use of the principal building.

Adult homes shall mean housing intended exclusively for persons fifty-five (55) years of age or older and the spouses of such persons; when necessary for the care of persons fifty-five (55) years of age or older, one (1) person other than a spouse under fifty-five (55) years of age is permitted in each household.

Affordable Housing Plan shall mean Ordinance No. 1294 adopted in 1998 which sets forth regulations regarding the rental and sale of low and moderate income units in the Township of Mahwah. (Section 24-13)

Animal hospital shall mean a place where animals or pets are given medical or surgical treatment. Use as a kennel shall be limited to hospital use and treatment.

Animal kennel shall mean any building, structure or premises in which animals are kept, boarded or trained for commercial gain.

Applicant shall mean a developer submitting an application for development.

Application for development shall mean the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to law.

Automobile service station or gasoline station shall mean a building or place of business where gasoline, fuel, oil and grease and/or batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade and where minor repair service is rendered.

Basement shall mean a story partly above grade level, having more than one-half (1/2) of its floor-to-ceiling height above the average level of the adjoining ground. A "basement" shall be counted as a story if used for business or dwelling purposes.

Board shall mean the Planning Board of the Township.

Building shall mean an enclosed structure having a roof supported by columns or walls. When such a structure is divided into separate parts by one (1) or more unpierced walls extending from the ground up to and through the roof, each part is deemed a separate building, except as regards minimum side yard requirements.

Building height shall mean the vertical distance from the average point of the finished grade to the mean level of the roof.

Building, principal shall mean a structure in which is conducted the principal use of the site on which it is situated.

Carport shall mean a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two (2) sides.

Cellar shall mean a story partly above grade level, having more than one-half (1/2) of its floor-to-ceiling height below the average level of the adjoining ground. No "cellar" or portion thereof shall be used as a dwelling unit.

Common open space shall mean an open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. "Common open space" may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

Court shall mean any area which is bounded by three (3) or more attached building walls.

Developer shall mean the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase or other person having an enforceable proprietary interest in such land.

Development shall mean the division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or of any mining, excavation or landfill; and any use or change in the use of any building or other structure or land or extension of use of land, for which permission may be required.

District or zone shall mean any portion of the territory of the Township within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Chapter.

Dwelling shall mean any permanent building or portion thereof designed or used exclusively as the residence or sleeping place of one (1) or more persons.

- a. *Dwelling, one-family* shall mean a building occupied or intended for occupancy exclusively by one (1) family or one (1) household, with two (2) separate direct means of access to the outside and further provided with cooking, sleeping and sanitary facilities for the use of the occupants of the unit. Also referred to as a "single-family dwelling".
- b. *Dwelling, two-family* shall mean a building occupied or intended for occupancy as separate living quarters for no more than two (2) families or two (2) households, with two (2) separate means of access to the outside for each dwelling and with separate cooking, sleeping and sanitary facilities for the exclusive use of the occupants of each unit, which units are separated from each other by vertical walls to and through the roof or by horizontal floors; also referred to as a "duplex dwelling".
- c. *Dwelling, multifamily* shall mean a structure or building occupied or intended for occupancy as separate living quarters for more than two (2) families or households, with two (2) separate direct means of access to the outside for each dwelling unit and further provided with separate cooking, sleeping and sanitary facilities for the exclusive use of the occupants of each unit.

Dwelling, detached shall mean a dwelling which is completely surrounded by permanent open spaces.

Dwelling unit shall mean one (1) or more rooms, occupied or intended for occupancy as separate living quarters by one (1) family or household, provided that access is directly from the outside or through a common hall and that separate cooking, sleeping and sanitary facilities are provided within the dwelling for the exclusive use of the occupants thereof. Occupancy by more than one (1) family or household within a single dwelling unit shall constitute a violation of this Chapter.

Essential service shall mean the erection, construction, alteration or maintenance, by public utilities or Municipal or other governmental agencies, of underground, surface or overhead gas, electrical, steam or water transmission systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, light stations, telephone lines, hydrants and other similar equipment and accessories herewith, reasonably necessary for the furnishing of

adequate service by such public utilities or Municipal or other governmental agencies or for the public health, safety or general welfare.

Family shall mean a group of persons functioning as a single housekeeping unit and whose relationship is of a permanent, stable and domestic character as distinguished from non-familial institutional uses, boarding homes, fraternities, sororities, clubs, associations, transient housing or other similar forms of housing.

Farm shall mean an area of land which is actively devoted to agricultural or horticultural use which occupies no less than five (5) acres, exclusive of the land upon which the farmhouse is located and such additional land, in conformance with the minimum lot size of the residential zone in which the farm is located, as may actually be used in connection with the farmhouse as provided in N.J.S.A. 54:4-23.3, 54:4-23.4, 54:4-23.5 and 54:4-23.11.

Fitness and health club shall mean a membership establishment that provides some or all of the following uses and activities provided that same are completely located within an enclosed building:

- a. Aerobic areas.
- b. Free weight areas.
- c. Cardiovascular areas.
- d. Workout floors.
- e. Swimming pools.
- f. Basketball courts.
- g. Racquetball courts.
- h. Tennis courts.
- i. Rock-climbing facilities.
- j. Sports facilities for soccer, lacrosse, football, softball, baseball and golf and similar sports activities.
- k. Running and jogging tracks.
- l. Men's and women's locker rooms.
- m. Men's and women's showers, saunas and steam rooms and bathrooms.
- n. Exercise machine areas.
- o. Boxing areas.
- p. Hot tub/Jacuzzi facilities not to exceed one (1%) percent of the gross floor area.
- q. A "juice bar" or snack bar-type service provided that said services are limited to no more than one point five (1.5%) percent of the gross floor area of the proposed building. Under no circumstances shall a restaurant, cafe, luncheonette, cafeteria or other similar facility, including take-out services, be permitted within said fitness and health club.
- r. Storage facilities related to other permitted use established herein.
- s. Pro-shop, provided that said uses shall not exceed two (2%) percent of the gross floor area.
- t. Office spaces devoted to sales, maintenance and operation of the fitness and health club facility, provided that said areas do not exceed four (4%) percent of the total floor area.
- u. Maintenance and laundry facilities directly related to the business and operations of the fitness and health club.
- v. Child care facilities.

Floor area shall mean the sum of the gross horizontal area of the several floors of a building measured from the exterior walls in a building. "Floor area" shall not include the area devoted to mechanical equipment serving the building, areas devoted exclusively to off-street parking and

loading space for motor vehicles or to any space where the floor-to-ceiling height shall be less than seven (7') feet six (6") inches.

Floor area ratio shall mean the ratio of floor area to land area.

Garage shall mean a building or a structure used for the storage of one (1) or more vehicles. If it is maintained primarily for the convenience of the resident-occupant of the premises and no service is rendered to the public or business conducted therein, it is a private garage. Any garage other than a private garage is a public garage.

Garden apartments shall mean one (1) or more multiple family buildings not exceeding two and one-half (2-1/2) stories or thirty-five (35') feet in height, containing off-street parking, outdoor recreational facilities and as more fully required herein. Each dwelling unit therein shall contain two (2) separate direct means of access to the outside.

Grade shall mean a reference plane representing the average of finished ground level adjoining the building at the four (4) building corners of the structure.

Gross density shall mean the total number of dwelling units on the tract divided by the total area of the tract, including environmentally sensitive or restricted areas. The result is expressed as dwelling units per acre (du/ac).

Habitable space shall mean living space and rooms and other than common hallways, cellar, storage space, garage and basement.

Health and wellness center shall mean a hospital sponsored establishment that provides services, facilities and education to promote health, healthcare, wellness, fitness and health maintenance. Such services and facilities include exercise and fitness facilities, fitness training and education, restorative health services, physical, speech and occupational therapy, cardiovascular wellness training and similar facilities and services to enhance health, fitness, wellness and well-being. Such services, facilities and education to be provided by professional training, health, nutrition and medical personnel to the general public. Specific uses shall, at a minimum, include the following:

- a. Exercise and fitness rooms and equipment.
- b. Cardiovascular wellness and strength training.
- c. Individual and group fitness and exercise programs.
- d. Community health education programs and individual health education counseling.
- e. Classrooms, meeting rooms and conference rooms.
- f. Nursing and physicians' offices and medical exam rooms affiliated with the use of the Health and Wellness Center not to exceed four (4%) percent of the gross floor area.
- g. Rehabilitative services conducted by licensed rehabilitation, therapy or health care professionals which may include medical spas for rehabilitative therapy services provided by licensed professionals and facilities, cardiac rehabilitation, physical, speech and occupational therapies.

Additional uses may also include the following:

- h. Swimming pools, lap pools, therapy pools, whirlpools, locker rooms, private changing rooms, steam rooms, saunas and showers.
- i. Programs to provide individual and group aquatic exercise and rehabilitation programs.
- j. Health research library and computers.
- k. Child care facilities.
- l. Cooking classrooms for the training and instruction of the preparation of healthful diets.
- m. Cafe serving food and beverages in an area not to exceed three (3%) percent of the gross floor area of the proposed facility with no more than fifty (50) seats.
- n. Retail sales of durable medical equipment and health related merchandise, vitamins and supplements, apparel, educational material, and other items consistent with the Health and

Wellness Center use. The retail space shall not exceed two (2%) percent of the gross floor area of the proposed facility.

- o. Storage facilities related to the Health and Wellness Center use; maintenance and laundry facilities related to the business and operation of the Center.

Height, building shall mean the vertical distance from the average point of the finished grade to the mean level of the roof.

Height, court shall mean the vertical distance from the lowest level of the court to the mean height of the top of the enclosing walls.

Height, story shall mean the vertical distance from top to top of two (2) successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or, when there is not a ceiling, to the top of the roof rafters.

Height, walls shall mean the vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

Historic site shall mean any building, structure, area or property that is significant in the history, architecture, archeology or culture of this State, its communities or the nation and has been so designated.

Home occupation shall mean a lawful service occupation or service profession which is customarily carried on in a residence and is clearly incidental and secondary to the residential use of the premises.

Home office shall mean the use of a portion of a single family dwelling as an office area for use only by members of the household residing on the premises.

Hoofed animals shall mean any animal which is a solid-hoofed or cleft-hoofed quadruped, including but not limited to horses, ponies, sheep, goats, cows, donkeys and mules, but excluding swine and pigs, whether mature animals or their young.

Household shall mean a group of not more than three (3) persons who are not related by blood, marriage or adoption, living together as a single housekeeping unit.

Improved lot coverage shall mean the percentage of lot area which is improved with principal and accessory buildings, structures and uses, including but not limited to driveways, parking lots and garages and other man-made improvements.

Industrial park shall mean a contiguous tract of land or ten (10) acres or more upon which the principal use shall be one (1) or more industrial uses, which shall be developed or subdivided as a single planned entity and shall meet the requirements of this Chapter.

Lot shall mean a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

- a. *Lot, corner* shall mean a parcel of land at the junction of and abutting on two (2) or more intersecting streets.
- b. *Lot, interior* shall mean a parcel of land other than a corner lot.
- c. *Lot, through* shall mean a parcel of land which extends through from one street to another.

Lot area shall mean the computed area contained within the lot lines.

Lot coverage shall mean that portion of a lot which is occupied by buildings and accessory structures but not including walkways, driveways, patios and open parking lots.

Lot depth shall mean the mean horizontal distance between the front lot line and rear lot line, measured at the following points: (1) at the midpoint of the front lot line to the midpoint of the rear lot line, and (2) at a point where the two opposing side lines are closest to each other, draw a straight line along each side of the lot that extends as close to perpendicular as possible from the front lot line, to the rear lot line. In the case of a triangular shaped lot, wherein there is no discernible rear lot line, the lot depth measurement shall be taken from the midpoint of the front lot line to the intersection of the side lot lines where that occurs most distant from the front lot line.

Lot frontage shall mean the length of the front lot line.

Lot line shall mean a line of record bounding the lot.

- a. *Lot line, front* shall mean the lot line separating the lot from the street right-of-way; also referred to as a "street line."
- b. *Lot line, rear* shall mean the lot line opposite and most distant from the front lot line.
- c. *Lot line, side* shall mean any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a "side street lot line."

Lot width shall mean the distance between the side lines, measured parallel to the front lot line at the required front yard setback line.

Mobile home shall mean any commercially manufactured vehicle, or combination thereof, used, designed or intended for use, for permanent occupancy as living quarters for one (1) family or household, designed to be moved occasionally from one location to another by means of wheels affixed to an axle or carriage affixed to the vehicle, propelled by the power of another vehicle to which it may be attached, and whether the axle or carriage to which the wheels may be affixed is detachable or detached.

Mobile home park shall mean one (1) or more parcels of land under single ownership which have been planned for the placement of two (2) or more mobile homes, appurtenant structures or additions.

Motor vehicle body repair shop shall mean a place of business within a principal building where the bodies of motor vehicles are repaired and/or rehabilitated. Motor vehicles shall be limited to passenger cars, vans and small trucks not exceeding two (2) tons in weight classification. Permitted activities include metal fabricating and refinishing, sanding and painting and other related mechanical activities necessary to repair auto bodies.

Net density shall mean the total number of dwelling units within a designated residential land use parcel divided by the total land area of the designated residential land use parcel less major recreational facilities, streets and public facilities within the parcel. The result is expressed as dwelling units per acre (du/ac).

Nonconforming lot shall mean a lot the area, dimension or location of which was lawful prior to the adoption, revision or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

Nonconforming structure shall mean a structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of this Chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

Nonconforming use shall mean a use or activity which was lawful prior to the adoption, revision or amendment of this Chapter but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

Nuisance shall mean any unlawful use or uses which are unreasonable under all circumstances or which will endanger the health or welfare of the adjacent properties.

Off-site shall mean located outside the lot lines of the lot in question but within the property (of which the lot is a part) which is the subject of a development application or contiguous portion of a street or right-of-way.

Off-tract shall mean not located on the property which is the subject of a development application, nor located on a contiguous portion of a street or right-of-way.

On-site shall mean located on the lot in question.

On-tract shall mean located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

Open space shall mean any parcel or area of land or water essentially unimproved and set aside,

dedicated, designed or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

Parking area, private shall mean any open area used for the temporary storage of automobiles and other vehicles for the private use solely by the occupants thereof to which such use is accessory.

Parking area, public shall mean any open area other than a street or other public way used for the temporary storage of automobiles and other vehicles and available to the public, whether for a fee or without compensation, or as an accommodation for clients, customers or employees.

Patio homes shall mean an attached grouping of not more than two (2) residential dwelling units separated by vertical walls coincidental with a common lot line, with two (2) separate means of access to the outside for each dwelling and with separate cooking, sleeping and sanitary facilities for each unit.

Person shall mean any individual, association, partnership, corporation or cooperative group.

Plan shall mean the provisions for development of a planned development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, public or private streets, ways and parking facilities, open space and public facilities. The phrase "provisions of the plan," when used in this Chapter, shall mean the written and graphic materials referred to in this definition.

Planned commercial development or shopping center shall mean an area of a minimum contiguous size as specified in this Chapter to be developed according to a plan as a single entity containing one (1) or more structures with appurtenant common areas to accommodate commercial or office uses, or both.

Planned development shall mean planned unit development, planned unit residential development, residential cluster, planned commercial development or planned industrial development.

Planned industrial development shall mean an area of a minimum contiguous size as specified in this Chapter to be developed according to a plan as a single entity containing one (1) or more structures with appurtenant common areas to accommodate industrial uses.

Planned residential development shall mean an area with a specified minimum contiguous acreage to be developed as a single entity according to a plan containing one (1) or more residential clusters, which may include appropriate commercial or public or quasi-public uses all primarily for the benefit of the residential development.

Planned unit development shall mean an area with a specified minimum contiguous acreage to be developed as a single entity according to a plan, containing one (1) or more residential clusters or planned unit residential development and one (1) or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified in this Chapter.

Planning board shall mean the Planning Board of the Township.

Professional and business office shall mean a use or uses conducted entirely within a structure for the purpose of providing a professional service or conducting a business office therein, restricted solely to administrative office activities, specifically excluding the sale or transfer of any physical products or goods from the site.

Public areas shall mean public parks, playgrounds, trails, paths and other recreational areas; other public open spaces; scenic and historic sites; and sites for schools and other public buildings and structures.

Public open space shall mean an open space area conveyed or otherwise dedicated to a Municipality, Municipal agency, Board of Education, State or County agency, or other public body for recreational or conservational uses.

Residential cluster shall mean an area to be developed as a single entity according to a plan

containing residential housing units which have a common or public open space area as an appurtenance.

Residential density shall mean the number of dwelling units per gross acre of residential land area, including streets, easements and open space portions of a planned development.

Restaurant shall mean a building or structure designed, used or intended for use in which either food or beverage or both are sold and consumed primarily within the confines of an enclosed structure on the site. A "restaurant" shall not include refreshment stands commonly called snack or dairy bars where consumption takes place outside of the structure or in automobiles parked upon the premises whether brought to the automobile by the customer or by employees of the establishment. A "restaurant" shall also include pickup or delivery services wherein food is prepared on the premises for off-premises consumption.

Shopping center — See "planned commercial development".

Sign shall mean any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

Sign, advertising shall mean a sign which directs attention to an individual, business, product or service conducted, sold, leased or offered elsewhere than on the premises where the sign is located. For the purpose of this Chapter, a billboard shall be considered an advertising sign.

Sign, area of shall mean that area included within the frame or edge of the sign. Where the sign has no such frame or edge, the area shall be the minimum area which can be defined by an enclosed four (4) sided (straight side) geometric shape which most clearly outlines the said sign.

Sign, area identification shall mean a sign used to identify a common area containing a group of structures, or a single structure on a minimum site of five (5) acres, such as residential subdivisions, apartment complexes, industrial parks, mobile home parks, or shopping centers; located at the entrance or entrances of the area, and including but not limited to a fence, wall, archway, post or column, with the letters or symbols affixed thereto.

Sign, banner shall mean a sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind.

Sign, business shall mean a sign used to identify either the trade, business, industry, or profession being conducted on the premises. Logo identification which is used to advertise a product, such as but not limited to "Coca Cola" or "We Sell Kodak Film", shall not be deemed to be a permitted business sign, except that personal logos, not to be used to advertise a product, shall be permitted.

Sign, directional or informational shall mean a non-advertising sign which directs attention to vehicular or pedestrian entrances or exits, parking areas, reserved parking spaces or similar site elements and is intended only for the safety and convenience of employees, patrons or visitors. No directional or informational sign shall exceed three square feet in area.

Sign, flashing shall mean an illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

Sign, free-standing shall mean a sign having not more than two display sides which is attached to or part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or structure whether portable or stationary.

Sign, ground shall mean a sign having not more than two (2) display sides set firmly in or below the ground surface.

Sign, height shall mean a free-standing or pylon sign which shall be measured from the ground surface beneath the sign to the highest point of the sign.

Sign, length shall mean no sign area shall have a length greater than four (4) times its height.

Sign, moving shall mean a sign which rotates or shifts, or appears to rotate or shift position.

Sign, political shall mean a sign containing a statement about or endorsement of, any public issue or

candidate(s) for public office.

Sign, portable or *"A" frame* shall mean an advertising device which is ordinarily in the shape of an "A" or some variation thereof, located on the ground, easily movable and not permanently attached thereto and which is usually two-sided.

Sign, projecting shall mean any sign that is affixed at an angle or perpendicular to the wall or facade upon which it is mounted, projects more than twelve (12") inches from the wall or facade upon which it is mounted or projects above the top or beyond either side of the wall or facade upon which it is mounted.

Sign, pylon shall mean a sign having not more than two (2) display sides which is attached to or part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or structure whether portable or stationary.

Sign, real estate shall mean a sign placed upon a property for the purpose of advertising to the public the sale or lease of the property placed thereon.

Sign, roof top shall mean any sign wholly erected, constructed or maintained on the roof or parapet of a structure.

Sign, temporary shall mean a non-permanent, non-illuminated wall or free-standing sign.

Sign, wall shall mean a sign affixed to or painted on and parallel with the surface of a wall or facade. A sign affixed to or painted on an awning, marquee or canopy shall be considered a wall sign.

Site plan shall mean a representation of the proposed development, redevelopment, expansion or improvement of one (1) or more parcels of land and/or buildings in accordance with the rules and procedures of the Mahwah Township Site Plan Ordinance.

Standards of performance shall mean standards adopted by ordinance regulating noise levels, glare, earthborne or sonic vibrations, heat, electronic or atomic radiation, noxious odors, toxic matter, explosive and flammable matters, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required by the Township, or standards required by applicable Federal, State or interstate law.

Story shall mean that portion of a building included between the upper surface of the floor or roof next above.

- a. *Story, above grade* shall mean any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the distance from grade to the finished surface of the floor above the basement is more than six (6') feet (1829 mm) for more than fifty (50%) percent of the total perimeter or more than twelve (12') feet (3658 mm) at any point.
- b. *Story, half* shall mean a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4') feet above the floor of such story.
- c. *Story, first* shall mean the lowest story or the ground story of any building, the floor of which is not more than twelve (12") inches below the average contact ground level at the exterior walls of the building.

Street shall mean any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing State, County or Municipal roadway or which is shown upon a plat heretofore approved pursuant to law or which is shown on a plat duly filed and recorded in the office of the County recording officer prior to the appointment of a Planning Board and the grant of such Board of the power to review plats, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

Structure shall mean a combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

Swimming pool shall mean any structure having a depth greater than two (2') feet and a water surface area in excess of two hundred fifty (250) square feet which is used for swimming, bathing or wading purposes.

Townhouse shall mean a building or structure designed for or occupied by no more than one (1) family or household and attached to other similar buildings or structures by not more than two (2) party walls extending from the foundation to the roof and providing two (2) direct means of access from the outside. Furthermore, each such dwelling unit shall be provided with cooking, sleeping and sanitary facilities for the use of each family or household of the townhouse. For the purpose of this Chapter, a townhouse may include a building or structure in a fee simple, condominium, cooperative or leasehold ownership or any combination thereof.

Use shall mean the specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained.

Variance shall mean the Board of Adjustment's authorized departure from the literal requirements and terms of this Chapter in accordance with the procedures contained herein.

Yard shall mean an open space which lies between the principal or accessory building or buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as herein permitted:

- a. *Yard, front* shall mean an open space extending the full width of the lot between a principal building and the front lot line, unoccupied and unobstructed from the ground upward except as may be specified elsewhere in this Chapter. The depth of the front yard shall be measured parallel to and at right angles to the front lot line.
- b. *Yard, rear* shall mean a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal or accessory building. The depth of the rear yard shall be measured parallel to the rear property line.
- c. *Yard, side* shall mean an open, unoccupied space between the side line of the lot and the nearest line of the principal or accessory building and extending from the front to the rear yard. The width of the side yard shall be measured parallel to the side line of the lot.

Zoning Board shall mean the Board of Adjustment as continued under this Chapter.

Zoning Map shall mean the Zoning Map of the Township of Mahwah, New Jersey, dated July 30, 1976, together with all amendments subsequently adopted.

Zoning Officer shall mean the Municipal official designated to enforce the provisions of the zoning ordinance, and to whom an application for a zoning permit is made and by whom such permits are issued.

Zoning permit shall mean a document signed by the Zoning Officer which is required by this Chapter as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion, or installation of a structure or building and which acknowledges that such use, structure or building complies with the provisions of this Chapter or variance therefrom duly authorized by the Board of Adjustment, Planning Board, or the Town Council.

(Ord. #574; Ord. #622; Ord. #811; Ord. #815; Ord. #851; Ord. #860; Ord. #883; 1976 Code §179-6; Ord. #919; Ord. #955, §II; Ord. #978, §II; Ord. #1011, §II; Ord. #1122, §VI; Ord. #1123, §II; Ord. #1135, §I; Ord. #1225, §§I, III; Ord. #1294, §III; Ord. #1368, §I; Ord. #1401, §I; Ord. #1482; Ord. #1589, §§1, 2; Ord. #1653, §§1, 2)

24-6.8 Regulations Governing Certain Accessory Uses.

a. *Accessory Structures.*

1. **Accessory Structures in Residential Districts.** Accessory structures which are not attached to a principal structure may be erected on a residential lot provided that:
 - (a) Accessory structures, except for storage sheds, shall comply in all respects with the setback requirements applicable to the principal building on the lot except when located in the rear yard.
 - (b) No accessory structure is located closer to the street right-of-way line than the required front yard setback of the principal structure, except as provided by subsection 24-6.8f. Subsections 24-5.1c, and 24-5.3b, shall also apply to all accessory structures hereunder.
 - (c) No portion of an accessory structure shall be used for living quarters.
 - (d) Storage sheds shall be permitted accessory uses within all residential zones. A storage shed is a structure used for storage. The maximum area of a storage shed in a residential zone shall be one hundred twenty (120) square feet and the maximum height shall be ten (10') feet. No storage shed can be located closer to any lot line than five (5') feet. No storage shed can be located closer to the street right-of-way line than the required front yard setback for the principal structure. Subsections 24-5.1, paragraph c. and 24-5.3, paragraph b, shall also apply to all storage sheds in residential zones.
 - (e) In all districts, accessory structures shall not be located less than ten (10') feet from the side wall or rear wall of the principal structure. Attached decks and balconies which do not comply with this provision, shall be considered part of the principal structure and the entire structure shall be required to comply with the provisions of the regulations governing structures in that district and not the regulations for accessory structures.
 - (f) The maximum area of any accessory structure in a residential zone, except for storage sheds, shall be one thousand (1,000) square feet. The maximum height of any accessory structure other than a storage shed shall be twenty (20') feet and shall not exceed the height of the principal structure.
 - (g) The maximum number of accessory structures, excluding storage sheds, on a single lot shall be one (1).
 - (h) An accessory structure located in the rear yard may be erected in one-half (1/2) of the required side yard and rear yard setback of the principal structure with a minimum of five (5') feet for the side yard.
2. **Attached Accessory Structures in Residential Districts.** When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this Chapter applicable to the principal building.
3. **Accessory Structures in Other Districts.**
 - (a) In any nonresidential district, no accessory structure or use shall be located closer to any lot line than five (5') feet. The requirements shall not apply to retaining and decorative walls and fences, provided same do not exceed six (6') feet in height.
 - (b) In any nonresidential district, the aggregate area covered by accessory structures shall not exceed twenty-five (25%) percent of the rear yard.
 - (c) In any nonresidential district, all accessory structures shall be located no less than twenty (20') feet from the side or rear of the principal or main building.
 - (d) In any nonresidential district, no accessory structure shall be located closer to the street right-of-way line than the required front yard setback of the principal structure, except as provided in subsection 24-6.8f. Subsections 24-5.1c and 24-5.3b shall also apply to all accessory structures hereunder.

- (e) When an accessory structure is attached to the principal building in all nonresidential districts, it shall comply in all respects with the requirements of this Chapter applicable to the principal buildings.
- (f) No portion of an accessory structure in any nonresidential district shall be used for living quarters.
- (g) Accessory Retail Sales in Office Buildings in the OP-200 Zone.
 - (1) The following accessory retail and service uses shall be permitted within office buildings in the OP-200 Zone, provided that they are located only on the first floor or the mezzanine or in the basement of the building.
 Banks, barber and beauty shops, book and stationery stores; confectionery and tobacco sales, gift shops, newspaper stands and restaurants which shall not be limited to any floor location, and other similar uses as approved by the Municipal Planning Board.
 - (2) All of the permitted accessory uses identified in paragraph a.,3(g)(1) shall be contained entirely within the building. Direct access to any one (1) or more accessory uses from the outside shall be prohibited. Such space shall have no exterior signs or other appurtenances of any kind whatsoever.
- 4. Notwithstanding any other regulations, accessory structures located on properties actually used for agricultural or horticultural purposes shall be subject to the following requirements.
 - (a) The requirements of Code Sections 24-6.8a, 1(a), (b), (c), (d), (e) and (h) apply.
 - (b) The maximum area of an agricultural or horticultural accessory structure shall be five (5%) percent of the lot upon which the structure is located.
 - (c) The maximum height of the structure shall be the same as the maximum height for a principal residential structure.
- b. *Permanent and Portable Swimming Pools.*
 - 1. Permanent and portable swimming pools accessory to a residential use shall be erected on the same zone lot as the principal structure. The pool may be erected in the side or rear yard of the zone lot. The wall of the swimming pool shall be located no closer than ten (10') feet to a side or rear yard line. All such pools shall be suitably fenced in accordance with Township requirements.
 - 2. These regulations shall not apply to portable swimming pools which are less than two (2') feet in height.
- c. *Outdoor Storage Areas.* Such uses, where permitted, shall not abut existing residential development, a residential street or any R District, and the operation thereof shall be governed by the following provisions:
 - 1. Flammable and Explosive Liquids. All flammable or explosive liquids, solids or gases shall be stored in appropriate containers as regulated in the Fire Prevention Code.
 - 2. Fencing and Setbacks. All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities and the contents thereof from adjacent property and shall be subject to the provisions of subsection 24-6.11.
 - 3. Deposit of Wastes. No material or wastes which might cause fumes or dust or which might constitute a fire hazard or which may be edible by or otherwise attractive to animals or insects shall be stored outdoors unless in closed containers.
- d. *Helistops and Helipads in the OP-200 Zone.* Helistops and helipads shall be permitted as accessory uses in the OP-200 Zone subject to approval of the New Jersey Department of Transportation and the Federal Aviation Administration where applicable. Roof top heliports and helipads shall be prohibited:

The location of landing sites and the regulation of helicopter operations shall reflect the

following:

1. Good locations to best serve present and potential helicopter traffic;
2. Minimum obstructions in the approach and departure path;
3. Minimum disturbances to the public from noise and dust; and
4. Easy access to surface transportation.

The Federal design guides, prepared by the F.A.A. (Heliport Design Guide, November 1964 as amended) shall be used as guidelines concerning heliport layout, approach and departure paths, obstruction clearances as well as the construction of heliport surfaces, landing and takeoff area, structural design, impact load, landing surface, turbulence and visibility.

e. *Private Tennis Courts.* Private tennis courts are permitted as an accessory use in the R-80 and C-80 zones only, provided that:

1. The improved lot coverage does not exceed that permitted by the schedule of District Area, Yard, and Bulk requirements.
2. The tennis court shall not be located closer than forty (40') feet to any side lot line and not closer than fifty (50') feet from any rear lot line.
3. The tennis court can only be located in the rear yard portion of the premises.
4. A fence with a maximum height of ten (10') feet shall be permitted incidental to the tennis court.
5. Lighting designed for illumination of the tennis court for night use is prohibited.
6. The tennis court may be used only by the residents of the premises and their non-fee paying guests and shall not be used as a revenue generating operation.

f. *Signs.*

1. General Regulations.

- (a) All signs erected within the Township shall conform to this Chapter, including the Schedule of Permitted Signs herein, and the Uniform Construction Code.
- (b) No sign shall be erected or altered within the Township without first obtaining a permit from the Construction Official of the Township. A sign permit application shall include structural drawings of how the sign is to be erected and electrical drawings of how the sign is to comply with the National Electric Code. Applications to re-face a sign must be approved by the Zoning Officer and Construction Official.
- (c) Removal of Certain Signs: In the event that a business ceases to operate for a period of time in excess of ninety (90) days, the sign owner, lessee, or the property owner shall immediately remove any sign identifying or advertising the business or any product sold thereby; provided, however, this requirement shall not apply where under the provisions of this Chapter an existing conforming sign may remain when evidence is presented to the Zoning Officer that a new business will be in operation on the premises within ninety (90) days. Upon failure to comply with this section, the appropriate Township official shall take the legal steps outlined in the enforcement sections of this Chapter. For the purpose of this Chapter, "removal" shall mean the dismantling and relocation from the site in question of the sign face, posts, supports, sign box and all other structural members of the sign.
- (d) Sign Illumination: Direct illumination or back lighting shall not exceed twenty-five (25) watts of incandescent power or seventy-five (75) foot candles when measured with a standard light meter perpendicular to the face of the sign from a distance equal to the narrowest dimension for any sign.
- (e) Glare: All signs shall be so designed, located, shielded, and directed so as to prevent

the casting of glare or direct light from artificial illumination upon streets, driveways and surrounding property.

- (f) Exempt Signs: Exempt signs as provided herein shall be permitted within all zoning districts of the Township of Mahwah.

2. Exempt Signs. The following signs are exempt from these regulations:

- (a) Any display or official notice of and by a governmental agency of the United States, the State, the County, the Township or any of their political subdivisions.
- (b) Any official traffic control device.
- (c) Any flag, emblem or insignia of a governmental agency of the United States.
- (d) Any sign attached to the street facade of a public or volunteer ambulance corp or fire house building, provided only one sign is permitted per building and provided each sign does not exceed one hundred (100) square feet in area and is located at least eight (8') feet from the grade.
- (e) Any sign located completely within an enclosed structure provided that the sign is not visible or directed to be seen from the outside of the structure.
- (f) Any sign not exceeding one and five-tenths (1.5) square feet in area indicating the private nature of a driveway limited to one (1) sign per driveway entrance and any no trespassing signs not exceeding one and five-tenths (1.5) square feet each.
- (g) Temporary signs. The following temporary signs are permitted within any district:
 - (1) Real estate "For Sale" signs. One (1) sign per lot is permitted to advertise the sale or rental of the premises upon which it is located by the owner or by a real estate agent or broker. This sign is not to exceed an area of eight (8) square feet and shall be removed seven (7) days after the execution of a contract or the expiration of the listing agreement. In the event the contract is voided or cancelled within sixty (60) days, the sign may be placed back on the property without an additional fee. All "For Sale" signs shall be set back at least fifteen (15') feet from the curbline and shall not, under any circumstances, block the vision of the driver of an automobile.
 - (2) Real estate "Open House" signs. The owner of a single family residential home which is being offered for sale may erect, in addition to a "For Sale" sign, an "Open House" sign. Only one (1) "Open House" will be permitted on the property and shall be placed no sooner than one (1) hour before the beginning of the scheduled open house and removed immediately upon its conclusion. "Open House" signs shall not be permitted on County roads, State highways or other major arteries.
 - (3) Major subdivision signs. Signs advertising a major subdivision that has received preliminary plot plan approval by the Planning Board shall not exceed two (2) in number, each on a separate lot of the major subdivision. No sign is to exceed twenty (20) square feet in area. Said signs shall be removed within ninety (90) days after the completion of construction work within the subdivision or within ten (10) days after the issuance of the last certificate of occupancy, whichever is sooner.
 - (4) Building under construction. One (1) sign per lot is permitted to identify the work of a builder and all subcontractors on new construction. Said sign shall not exceed six (6) square feet in area and shall be removed within seven (7) days after the completion of construction.
 - (5) Announcement of future events. One (1) sign per lot is permitted to announce any educational, charitable, or civic event and such sign may be displayed for a consecutive period not to exceed thirty (30) days in any one (1) calendar year. No such sign shall exceed twelve (12) square feet in total area. Said sign may relate

to the use of a premises other than that upon which the sign is located.

- (6) Streamers, flags and pennants. Strings of streamers, flags, pennants, spinners or other similar devices are permitted on the lot occupied by a new business. Such devices are permitted to be displayed only at the time of the opening of the new business, and then only for a period of fifteen (15) days from the date of the opening.
- (h) Any name plate, address or identification sign indicating street numbers in accordance with the provisions of Ordinance No. 121, as amended, and any residential street numbers or name identification of residential occupant affixed to mailboxes or to the residential structure.
- (i) Political signs.
- (j) Restrictions applicable to all temporary signs:
 - (1) The signs may be freestanding or attached to buildings.
 - (2) The signs shall not be illuminated and shall not violate any of the limitations or prohibitions set forth in paragraph (g) hereof.
 - (3) Permits for the erection and maintenance of signs described herein shall be obtained from the Construction Official.
 - (4) Signs shall not be permitted on telephone poles or trees.
- (k) Any temporary sign or banner to announce the opening or anniversary of a business or special sale event or to announce an event sponsored by a not-for-profit entity for a period not to exceed thirty (30) days once in any year. Permits for such temporary signs or banners, assuming that the applicable standards are satisfied, shall be issued by the Administrative Officer.
- (l) Temporary signs and fees. There shall be a twenty (\$20.00) dollar fee for a permit to erect a temporary sign except for a not-for-profit entity sponsoring an event for which a temporary sign permit is issued. For a temporary sign issued to a not-for-profit entity, the fee shall be ten (\$10.00) dollars per application.
- (m) There shall be a fifty (\$50.00) dollar fine imposed upon the property owner or the owner's agent or applicant for any violation of the regulations which apply to temporary signs. A fifty (\$50.00) dollar fine shall be imposed for each and every day the violation continues to exist. Permits issued for temporary signs shall be issued for a period not to exceed six (6) months or when the reason for the issuance of the permit no longer exists or is otherwise described herein whichever is shorter.

3. Prohibited Signs. The following signs are specifically prohibited within all zones in the Township:

- (a) Signs limiting official traffic control devices or signs.
- (b) Signs which are obstructing doors, windows, sidewalks, driveways or streets.
- (c) Signs placed on trees, rocks or utility poles.
- (d) Search lights or beacons.
- (e) Banners, pennants, streamers, bunting, balloons, gas-filled figures or similar devices, except as specifically approved by the Council of the Township of Mahwah as provided under subsection 24-6.8f, 2(k).
- (f) Portable or "A" frame signs.
- (g) Advertising, flashing, moving, projecting or roof top signs.
- (h) Signs affixed to parked motor vehicles the primary purpose of which signs is to direct the attention of the public to any business or activity conducted on the premises upon which the vehicle is parked.

- (i) Signs placed in the public right-of-way or on public property without first obtaining prior approval of the Township Council.
- 4. Schedule of Regulations. The specific regulations regarding the erection or construction of signs within the Township are set forth in the accompanying "Schedule of Permitted Sign Regulations."

1

William Laforet

From: William Laforet
Sent: Wednesday, May 10, 2017 4:45 PM
To: Quentin Wiest
Subject: Fwd: March 2017 - ERUV permit - Mahwah
Attachments: 84b71852-6958-4f16-85fd-0bcd1b939e5a-131389117428639101.xlsx; ATT00001.htm

FYI

Begin forwarded message:

From: "Damiani, Michelle" <[REDACTED]>
Date: May 10, 2017 at 2:40:51 PM EDT
To: "[REDACTED]", Bill Laforet <wlaforet@mahwahtwp.org>
Cc: "Batelli, James (Township of Mahwah)" <jbatelli@mahwahpd.org>
Subject: March 2017 - ERUV permit - Mahwah

Mayor,

Attached you will find a list of poles that have been permitted by RECO for ERUV to be installed through the Joint Use agreement process.

Kenny Sullivan is O&R's Joint Use Facilitator and he can be reached at [REDACTED] for further questions.

Regards, Michelle

Redacted -
Email Addresses
& Telephone #



William Laforet

From: Damiani, Michelle [REDACTED]
Sent: Wednesday, May 10, 2017 2:41 PM
To: [REDACTED] William Laforet
Cc: Chief James N. Batelli
Subject: March 2017 - ERUV permit - Mahwah
Attachments: 84b71852-6958-4f16-85fd-0bcd1b939e5a-131389117428639101.xlsx

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Regards, Michelle

Redacted -
Email Addresses
& Telephone #



William Laforet

From: William Laforet
Sent: Wednesday, May 10, 2017 5:06 PM
To: Brian Chewcaskie; Robert Hermansen
Cc: Quentin Wiest
Subject: FW: March 2017 - ERUV permit - Mahwah
Attachments: 84b71852-6958-4f16-85fd-0bcd1b939e5a-131389117428639101.xlsx

Cell [REDACTED]
Mayor Bill Laforet.



Mahwah selected the Safest Community in all of New Jersey 2014

William "Bill" Laforet
Mayor Township of Mahwah
475 Corporate Drive
Mahwah, New Jersey 07430
201-529-5757 ex 267
wlaforet@mahwahtwp.org

From: Damiani, Michelle [mailto:[REDACTED]]
Sent: Wednesday, May 10, 2017 2:41 PM
To: [REDACTED] William Laforet <WLaforet@mahwahtwp.org>
Cc: Chief James N. Batelli <JBatelli@mahwahpd.org>
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Redacted -
Attorney-Client
Privilege,
Telephone #s
& Email Addresses
[Signature]

Order	Status	Instance Reason	Job Type	Pole Number	Number of Attachments	Energized Attachment	Address
1	Accepted	Accepted	Attach	55673-40110	1	False	89 E Mahwah rd
2	Accepted	Accepted	Attach	55672-4099	1	False	89 E Mahwah rd
3	Accepted	Accepted	Attach	55671-40086	1	False	65 E Mahwah rd
4	Accepted	Accepted	Attach	55670-40074	1	False	65 E Mahwah rd
5	Accepted	Accepted	Attach	55669-40061	1	False	70 E Mahwah rd
6	Accepted	Accepted	Attach	55668-40050	1	False	70 E Mahwah rd
7	Accepted	Accepted	Attach	55668-40034	1	False	70 E Mahwah rd
8	Accepted	Accepted	Attach	55668-40027	1	False	73 E Mahwah rd
9	Accepted	Accepted	Attach	55668-40013	1	False	73 E Mahwah rd
10	Accepted	Accepted	Attach	55670-39982	1	False	77 E Mahwah rd
11	Accepted	Accepted	Attach	55670-39873	1	False	77 E Mahwah rd
12	Accepted	Accepted	Attach	55671-39960	1	False	77 E Mahwah rd
13	Accepted	Accepted	Attach	55669-39826	1	False	85 E Mahwah rd
14	Accepted	Accepted	Attach	55668-39814	1	False	85 E Mahwah rd
15	Accepted	Accepted	Attach	55666-39899	1	False	85 E Mahwah rd
16	Accepted	Accepted	Attach	55664-39884	1	False	54 E Mahwah rd
17	Accepted	Accepted	Attach	20593	1	False	54 E Mahwah rd
18	Accepted	Accepted	Attach	55661-39852	1	False	56 E Mahwah rd
19	Accepted	Accepted	Attach	55660-39833	1	False	66 E Mahwah rd
20	Accepted	Accepted	Attach	55659-39816	1	False	66 E Mahwah rd
21	Accepted	Accepted	Attach	55656-39796	1	False	76 E Mahwah rd
22	Accepted	Accepted	Attach	55659-39786	1	False	76 E Mahwah rd
23	Accepted	Accepted	Attach	55653-39773	1	False	76 E Mahwah rd
24	Accepted	Accepted	Attach	55651-39761	1	False	97 E Mahwah rd
25	Accepted	Accepted	Attach	55651-39750	1	False	97 E Mahwah rd
26	Accepted	Accepted	Attach	55652-34239	1	False	97 E Mahwah rd
27	Accepted	Accepted	Attach	55653-39726	1	False	97 E Mahwah rd
28	Accepted	Accepted	Attach	55655-39714	1	False	101 E Mahwah rd
29	Accepted	Accepted	Attach	55656-39701	1	False	101 E Mahwah rd
30	Accepted	Accepted	Attach	55656-39688	1	False	274 Airmont Ave
31	Accepted	Accepted	Attach	55670-39690	1	False	274 Airmont Ave
32	Accepted	Accepted	Attach	55683-39682	1	False	274 Airmont Ave

33	Accepted	Accepted	Attach	55706-39693	1	False	274 Airmont Ave
34	Accepted	Accepted	Attach	55714-39693	1	False	103 Airmont Ave
35	Accepted	Accepted	Attach	5571-39683	1	False	103 Airmont Ave
36	Accepted	Accepted	Attach	55708-39673	1	False	103 Airmont Ave
37	Accepted	Accepted	Attach	55705-39663	1	False	108 Airmont Ave
38	Accepted	Accepted	Attach	55701-39652	1	False	108 Airmont Ave
39	Accepted	Accepted	Attach	55698-34643	1	False	113 Airmont Ave
40	Accepted	Accepted	Attach	55695-39633	1	False	113 Airmont Ave
41	Accepted	Accepted	Attach	5569-39620	1	False	115 Airmont Ave
42	Accepted	Accepted	Attach	55619-3968	1	False	119 Airmont Ave
43	Accepted	Accepted	Attach	55686-39597	1	False	123 Airmont Ave
44	Accepted	Accepted	Attach	55682-39853	1	False	123 Airmont Ave
45	Accepted	Accepted	Attach	55479-39571	1	False	144 Airmont Ave
46	Accepted	Accepted	Attach	55677-39559	1	False	144 Airmont Ave
47	Accepted	Accepted	Attach	55724-39545	1	False	144 Airmont Ave
48	Accepted	Accepted	Attach	55672-39531	1	False	145 Airmont Ave
49	Accepted	Accepted	Attach	55672-39517	1	False	145 Airmont Ave
50	Accepted	Accepted	Attach	55672-39505	1	False	166 Airmont Ave
51	Accepted	Accepted	Attach	55672-39492	1	False	166 Airmont Ave
52	Accepted	Accepted	Attach	39478	1	False	205 Masonicus Rd
53	Accepted	Accepted	Attach	55673-39467	1	False	205 Masonicus Rd
54	Accepted	Accepted	Attach	55673-39456	1	False	205 Masonicus Rd
55	Accepted	Accepted	Attach	55697-39451	1	False	15 Masonicus Rd
56	Accepted	Accepted	Attach	55708-39449	1	False	15 Masonicus Rd
57	Accepted	Accepted	Attach	55725-39446	1	False	19 Masonicus Rd
58	Accepted	Accepted	Attach	55731-39445	1	False	19 Masonicus Rd
59	Accepted	Accepted	Attach	55743-39441	1	False	25 Masonicus Rd
60	Accepted	Accepted	Attach	55757-39437	1	False	25 Masonicus Rd
61	Accepted	Accepted	Attach	55770-39432	1	False	29 Masonicus Rd
62	Accepted	Accepted	Attach	55784-39427	1	False	29 Masonicus Rd
63	Accepted	Accepted	Attach	55837-39405	1	False	29 Masonicus Rd
64	Accepted	Accepted	Attach	55908-34406	1	False	43 Masonicus Rd
65	Accepted	Accepted	Attach	55794-39417	1	False	43 Masonicus Rd
66	Accepted	Accepted	Attach	55825-39411	1	False	58 Masonicus Rd

67	Accepted	Accepted	Attach	55819-39405	1	False	58 Masonic Rd
68	Accepted	Accepted	Attach	55836-39396	1	False	58 Masonic Rd
69	Accepted	Accepted	Attach	59858-39396	1	False	63 Masonic Rd
70	Accepted	Accepted	Attach	55878-39404	1	False	63 Masonic Rd
71	Accepted	Accepted	Attach	55915-39406	1	False	63 Masonic Rd
72	Accepted	Accepted	Attach	55930-39406	1	False	68 Masonic Rd
73	Accepted	Accepted	Attach	55942-39406	1	False	68 Masonic Rd
74	Accepted	Accepted	Attach	55953-39405	1	False	80 Masonic Rd
75	Accepted	Accepted	Attach	55964-39902	1	False	80 Masonic Rd
76	Accepted	Accepted	Attach	55976-39401	1	False	80 Masonic Rd
77	Accepted	Accepted	Attach	55996-39397	1	False	96 Masonic Rd
78	Accepted	Accepted	Attach	56008-39395	1	False	96 Masonic Rd
79	Accepted	Accepted	Attach	56020-39384	1	False	96 Masonic Rd
80	Accepted	Accepted	Attach	56034-39386	1	False	201 Masonic Rd
81	Accepted	Accepted	Attach	56049-39383	1	False	201 Masonic Rd
82	Accepted	Accepted	Attach	56064-39380	1	False	181 Masonic Rd
83	Accepted	Accepted	Attach	56078-39378	1	False	181 Masonic Rd
84	Accepted	Accepted	Attach	56098-39375	1	False	178 Masonic Rd
85	Accepted	Accepted	Attach	56098-39379	1	False	178 Masonic Rd
86	Accepted	Accepted	Attach	56135-39338	1	False	2 Sparrowbush Rd
87	Accepted	Accepted	Attach	56150-39333	1	False	2 Sparrowbush Rd
88	Accepted	Accepted	Attach	56346-39273	1	False	2 Sparrowbush Rd
89	Accepted	Accepted	Attach	56357-39268	1	False	8 Sparrowbush Rd
90	Accepted	Accepted	Attach	56360-39265	1	False	8 Sparrowbush Rd
91	Accepted	Accepted	Attach	56368-39253	1	False	21 Sparrowbush Rd
92	Accepted	Accepted	Attach	56368-39253	1	False	21 Sparrowbush Rd
93	Accepted	Accepted	Attach	56376-39248	1	False	21 Sparrowbush Rd
94	Accepted	Accepted	Attach	56389-39244	1	False	21 Sparrowbush Rd
95	Accepted	Accepted	Attach	59401-39242	1	False	76 Sparrowbush Rd
96	Accepted	Accepted	Attach	56412-39240	1	False	76 Sparrowbush Rd
97	Accepted	Accepted	Attach	56423-92339	1	False	528 Saddle river Rd West
98	Accepted	Accepted	Attach	56425-39246	1	False	528 Saddle river Rd West
99	Accepted	Accepted	Attach	56427-39260	1	False	536 Saddle river Rd West
100	Accepted	Accepted	Attach	56427-34282	1	False	536 Saddle river Rd West

101	Accepted	Accepted	Attach	56428-39292	1	False	536 Saddle river Rd	West
102	Accepted	Accepted	Attach	56430-39302	1	False	539 Saddle river Rd	West
103	Accepted	Accepted	Attach	56432-39312	1	False	539 Saddle river Rd	West
104	Accepted	Accepted	Attach	56436-39322	1	False	544 Saddle river Rd	West
105	Accepted	Accepted	Attach	56440-39332	1	False	548 Saddle river Rd	West
106	Accepted	Accepted	Attach	56444-39353	1	False	548 Saddle river Rd	West
107	Accepted	Accepted	Attach	56452-39373	1	False	558 Saddle river Rd	West
108	Accepted	Accepted	Attach	56456-39384	1	False	558 Saddle river Rd	West
109	Accepted	Accepted	Attach	56466-39412	1	False	562 Saddle river Rd	West
110	Accepted	Accepted	Attach	56469-39420	1	False	562 Saddle river Rd	West
111	Accepted	Accepted	Attach	56471-39930	1	False	569 Saddle river Rd	West
112	Accepted	Accepted	Attach	56472-39439	1	False	574 Saddle river Rd	West
113	Accepted	Accepted	Attach	56474-39953	1	False	574 Saddle river Rd	West

William Laforet

From: William Laforet
Sent: Tuesday, July 18, 2017 7:37 AM
To: Damiani, Michelle
Cc: [REDACTED] Quentin Wiest
Subject: RE: March 2017 - ERUV permit - Mahwah

Michelle, the residents of both Upper Saddle River and Mahwah are discovering the plastic poles which have been installed establishing a ERUV. I have seen a considerable amount of conversation on line for both Mahwah and Upper Saddle River.

Please provide us as much information as you can so the community can be aware

Preferably an e mail to both Mayors explaining why O&R granted permission, the route and the fact that the municipality had nothing to do with the permission.

I have attached Mayor Minichetti from Upper Saddle River to the e mail.

Regards, Mayor Bill Laforet

Mayor Bill Laforet



Mahwah selected the Safest Community in all of New Jersey 2014

William "Bill" Laforet
Mayor Township of Mahwah
475 Corporate Drive
Mahwah, New Jersey 07430
201-529-5757 ex 267
wlaforet@mahwahtwp.org

*Redacted -
Email Addresses
& Telephone*

From: Damiani, Michelle [mailto:[REDACTED]]
Sent: Wednesday, May 10, 2017 2:41 PM
To: [REDACTED] William Laforet <WLaforet@mahwahtwp.org>
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From: William Laforet
Sent: Tuesday, July 18, 2017 7:38 AM
To: [REDACTED] Damiani, Michelle
Cc: Quentin Wiest
Subject: FW: March 2017 - ERUV permit - Mahwah
Attachments: 84b71852-6958-4f16-85fd-0bcd1b939e5a-131389117428639101.xlsx

ERUV route, granted by O&R, attached

Mayor Bill Laforet



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William "Bill" Laforet
Mayor Township of Mahwah
475 Corporate Drive
Mahwah, New Jersey 07430
201-529-5757 ex 267
wlaforet@mahwahtwp.org

*Redacted -
Email
Addresses
& Telephone
[signature]*

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[Signature]

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5	Accepted	Accepted	Attach	556649-40061	1	False	70 E Mahwah rd
6	Accepted	Accepted	Attach	55668-40050	1	False	70 E Mahwah rd
7	Accepted	Accepted	Attach	55668-40034	1	False	70 E Mahwah rd
8	Accepted	Accepted	Attach	55668-40027	1	False	73 E Mahwah rd
9	Accepted	Accepted	Attach	55668-40013	1	False	73 E Mahwah rd
10	Accepted	Accepted	Attach	55670-39982	1	False	77 E Mahwah rd
11	Accepted	Accepted	Attach	55670-39873	1	False	77 E Mahwah rd
12	Accepted	Accepted	Attach	55671-39960	1	False	77 E Mahwah rd
13	Accepted	Accepted	Attach	55669-39826	1	False	85 E Mahwah rd
14	Accepted	Accepted	Attach	55668-39814	1	False	85 E Mahwah rd
15	Accepted	Accepted	Attach	55666-39899	1	False	85 E Mahwah rd
16	Accepted	Accepted	Attach	55664-39884	1	False	54 E Mahwah rd
17	Accepted	Accepted	Attach	20593	1	False	54 E Mahwah rd
18	Accepted	Accepted	Attach	55661-39852	1	False	56 E Mahwah rd
19	Accepted	Accepted	Attach	55660-39833	1	False	66 E Mahwah rd
20	Accepted	Accepted	Attach	55659-39816	1	False	66 E Mahwah rd
21	Accepted	Accepted	Attach	55656-39796	1	False	76 E Mahwah rd
22	Accepted	Accepted	Attach	55659-39786	1	False	76 E Mahwah rd
23	Accepted	Accepted	Attach	55653-39773	1	False	76 E Mahwah rd
24	Accepted	Accepted	Attach	55651-39761	1	False	97 E Mahwah rd
25	Accepted	Accepted	Attach	55651-39750	1	False	97 E Mahwah rd
26	Accepted	Accepted	Attach	55652-34239	1	False	97 E Mahwah rd
27	Accepted	Accepted	Attach	55653-39726	1	False	97 E Mahwah rd
28	Accepted	Accepted	Attach	55655-39714	1	False	101 E Mahwah rd
29	Accepted	Accepted	Attach	55656-39701	1	False	101 E Mahwah rd
30	Accepted	Accepted	Attach	55656-39688	1	False	274 Airmont Ave
31	Accepted	Accepted	Attach	55670-39690	1	False	274 Airmont Ave
32	Accepted	Accepted	Attach	55683-39682	1	False	274 Airmont Ave

33	Accepted	Accepted	Attach	55706-39693	1	False	274 Airmont Ave
34	Accepted	Accepted	Attach	55714-39693	1	False	103 Airmont Ave
35	Accepted	Accepted	Attach	5571-39683	1	False	103 Airmont Ave
36	Accepted	Accepted	Attach	55708-39673	1	False	103 Airmont Ave
37	Accepted	Accepted	Attach	55705-39663	1	False	108 Airmont Ave
38	Accepted	Accepted	Attach	55701-39652	1	False	108 Airmont Ave
39	Accepted	Accepted	Attach	55698-34643	1	False	113 Airmont Ave
40	Accepted	Accepted	Attach	55695-39633	1	False	113 Airmont Ave
41	Accepted	Accepted	Attach	5569-39620	1	False	115 Airmont Ave
42	Accepted	Accepted	Attach	55619-3968	1	False	119 Airmont Ave
43	Accepted	Accepted	Attach	55686-39597	1	False	123 Airmont Ave
44	Accepted	Accepted	Attach	55682-39853	1	False	123 Airmont Ave
45	Accepted	Accepted	Attach	55479-39571	1	False	144 Airmont Ave
46	Accepted	Accepted	Attach	55677-39559	1	False	144 Airmont Ave
47	Accepted	Accepted	Attach	55724-39545	1	False	144 Airmont Ave
48	Accepted	Accepted	Attach	55672-39531	1	False	145 Airmont Ave
49	Accepted	Accepted	Attach	55672-39517	1	False	145 Airmont Ave
50	Accepted	Accepted	Attach	55672-39505	1	False	166 Airmont Ave
51	Accepted	Accepted	Attach	55672-39492	1	False	166 Airmont Ave
52	Accepted	Accepted	Attach	39478	1	False	205 Masonicus Rd
53	Accepted	Accepted	Attach	55673-39467	1	False	205 Masonicus Rd
54	Accepted	Accepted	Attach	55673-39456	1	False	205 Masonicus Rd
55	Accepted	Accepted	Attach	55697-39451	1	False	15 Masonicus Rd
56	Accepted	Accepted	Attach	55708-39449	1	False	15 Masonicus Rd
57	Accepted	Accepted	Attach	55725-39446	1	False	19 Masonicus Rd
58	Accepted	Accepted	Attach	55731-39445	1	False	19 Masonicus Rd
59	Accepted	Accepted	Attach	55743-39441	1	False	25 Masonicus Rd
60	Accepted	Accepted	Attach	55757-39437	1	False	25 Masonicus Rd
61	Accepted	Accepted	Attach	55770-39432	1	False	29 Masonicus Rd
62	Accepted	Accepted	Attach	55784-39427	1	False	29 Masonicus Rd
63	Accepted	Accepted	Attach	55837-39405	1	False	29 Masonicus Rd
64	Accepted	Accepted	Attach	55908-34406	1	False	43 Masonicus Rd
65	Accepted	Accepted	Attach	55794-39417	1	False	43 Masonicus Rd
66	Accepted	Accepted	Attach	55825-39411	1	False	58 Masonicus Rd

67	Accepted	Accepted	Attach	55819-39405	1	False	58 Masonicus Rd
68	Accepted	Accepted	Attach	55836-39396	1	False	58 Masonicus Rd
69	Accepted	Accepted	Attach	59858-39396	1	False	63 Masonicus Rd
70	Accepted	Accepted	Attach	55878-39404	1	False	63 Masonicus Rd
71	Accepted	Accepted	Attach	55915-39406	1	False	63 Masonicus Rd
72	Accepted	Accepted	Attach	55930-39406	1	False	68 Masonicus Rd
73	Accepted	Accepted	Attach	55942-39406	1	False	68 Masonicus Rd
74	Accepted	Accepted	Attach	55953-39405	1	False	80 Masonicus Rd
75	Accepted	Accepted	Attach	55964-39902	1	False	80 Masonicus Rd
76	Accepted	Accepted	Attach	55976-39401	1	False	80 Masonicus Rd
77	Accepted	Accepted	Attach	55996-39397	1	False	96 Masonicus Rd
78	Accepted	Accepted	Attach	56008-39395	1	False	96 Masonicus Rd
79	Accepted	Accepted	Attach	56020-39384	1	False	96 Masonicus Rd
80	Accepted	Accepted	Attach	56034-39386	1	False	201 Masonicus Rd
81	Accepted	Accepted	Attach	56049-39383	1	False	201 Masonicus Rd
82	Accepted	Accepted	Attach	56064-39380	1	False	181 Masonicus Rd
83	Accepted	Accepted	Attach	56078-39378	1	False	181 Masonicus Rd
84	Accepted	Accepted	Attach	56098-39375	1	False	178 Masonicus Rd
85	Accepted	Accepted	Attach	56098-39379	1	False	178 Masonicus Rd
86	Accepted	Accepted	Attach	56135-39338	1	False	2 Sparrowbush Rd
87	Accepted	Accepted	Attach	56150-39333	1	False	2 Sparrowbush Rd
88	Accepted	Accepted	Attach	56346-39273	1	False	2 Sparrowbush Rd
89	Accepted	Accepted	Attach	56357-39268	1	False	8 Sparrowbush Rd
90	Accepted	Accepted	Attach	56360-39265	1	False	8 Sparrowbush Rd
91	Accepted	Accepted	Attach	56368-39253	1	False	21 Sparrowbush Rd
92	Accepted	Accepted	Attach	56368-39253	1	False	21 Sparrowbush Rd
93	Accepted	Accepted	Attach	56376-39248	1	False	21 Sparrowbush Rd
94	Accepted	Accepted	Attach	56389-39244	1	False	21 Sparrowbush Rd
95	Accepted	Accepted	Attach	59401-39242	1	False	76 Sparrowbush Rd
96	Accepted	Accepted	Attach	56412-39240	1	False	76 Sparrowbush Rd
97	Accepted	Accepted	Attach	56423-92339	1	False	528 Saddle river Rd West
98	Accepted	Accepted	Attach	56425-39246	1	False	528 Saddle river Rd West
99	Accepted	Accepted	Attach	56427-39260	1	False	536 Saddle river Rd West
100	Accepted	Accepted	Attach	56427-34282	1	False	536 Saddle river Rd West

101	Accepted	Accepted	Attach	56428-39292	1	False	536 Saddle river Rd West
102	Accepted	Accepted	Attach	56430-39302	1	False	539 Saddle river Rd West
103	Accepted	Accepted	Attach	56432-39312	1	False	539 Saddle river Rd West
104	Accepted	Accepted	Attach	56436-39322	1	False	544 Saddle river Rd West
105	Accepted	Accepted	Attach	56440-3332	1	False	548 Saddle river Rd West
106	Accepted	Accepted	Attach	56444-39353	1	False	548 Saddle river Rd West
107	Accepted	Accepted	Attach	56452-39373	1	False	558 Saddle river Rd West
108	Accepted	Accepted	Attach	56456-39384	1	False	558 Saddle river Rd West
109	Accepted	Accepted	Attach	56466-39412	1	False	562 Saddle river Rd West
110	Accepted	Accepted	Attach	56469-39420	1	False	562 Saddle river Rd West
111	Accepted	Accepted	Attach	56471-39930	1	False	569 Saddle river Rd West
112	Accepted	Accepted	Attach	56472-39439	1	False	574 Saddle river Rd West
113	Accepted	Accepted	Attach	56474-39953	1	False	574 Saddle river Rd West

William Laforet

From: Michael Rocco [REDACTED]
Sent: Tuesday, July 18, 2017 9:11 PM
To: William Laforet
Subject: Eruv

Mayor Laforet,

I am curious about the recent Eruv that has been installed on utility poles in the area of East Mahwah Rd and surrounding areas. Did the township and utility companies grant permission to do this? If so are the people who requested permission even township residents? I would like to think we are not allowing eyesores in our town to benefit people who don't even live here. I look forward to your response.

Kind Regards,

Michael Rocco
Resident
7 Winter Ter
Mahwah

Redacted -
Email Address.



William Laforet

From: Damiani, Michelle [REDACTED]
Sent: Tuesday, July 18, 2017 9:54 AM
To: William Laforet
Subject: RE: March 2017 - ERUV permit - Mahwah <External Sender>

Good Morning Mayor Laforet,
Please call me when you get a chance... [REDACTED] thank you Michelle

From: William Laforet [mailto:WLaforet@mahwahtwp.org]
Sent: Tuesday, July 18, 2017 7:37 AM
To: Damiani, Michelle
Cc: [REDACTED] Quentin Wiest
Subject: RE: March 2017 - ERUV permit - Mahwah <External Sender>

[EXTERNAL SENDER. Do not click on links if sender is unknown and never provide user ID or pass

Michelle, the residents of both Upper Saddle River and Mahwah are discovering the plastic poles which have been installed establishing a ERUV. I have seen a considerable amount of conversation on line for both Mahwah and Upper Saddle River.

Please provide us as much information as you can so the community can be aware
Preferably an e mail to both Mayors explaining why O&R granted permission, the route and the fact that the municipality had nothing to do with the permission.

I have attached Mayor Minichetti from Upper Saddle River to the e mail.

Regards, Mayor Bill Laforet

Mayor Bill Laforet



Mahwah selected the Safest Community in all of New Jersey 2014

William "Bill" Laforet
Mayor Township of Mahwah
475 Corporate Drive
Mahwah, New Jersey 07430
201-529-5757 ex 267
wlaforet@mahwahtwp.org

Redacted -
Email
Addresses

From: Damiani, Michelle [mailto:[REDACTED]]
Sent: Wednesday, May 10, 2017 2:41 PM
To: [REDACTED] William Laforet <WLaforet@mahwahtwp.org>

Cc: Chief James N. Batelli <JBatelli@mahwahpd.org>

Subject: March 2017 - ERUV permit - Mahwah

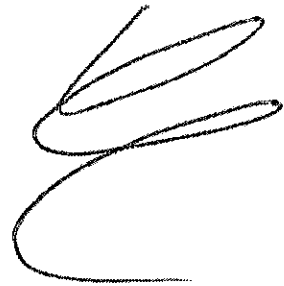
Mayor,

Attached you will find a list of poles that have been permitted by RECO for ERUV to be installed through the Joint Use agreement process.

Kenny Sullivan is O&R's Joint Use Facilitator and he can be reached at [REDACTED] for further questions.

Regards, Michelle

Redacted -
Telephone #'

A stylized handwritten signature, possibly reading 'Michelle', consisting of several overlapping loops and a long horizontal tail stroke.

William Laforet

From: William Laforet
Sent: Tuesday, July 18, 2017 9:35 PM
To: Michael Rocco
Subject: Re: Eruv

Thanks for the opportunity to explain the ERUV. As by now you know that an ERUV is a closed perimeter area of about 26 square miles. <http://www.myjewishlearning.com/article/eruv>

The BPU (<http://www.bpu.state.nj.us>) a State public utility authority who has granted permission to this group to place these ½ plastic tubes for the purpose of a ERUV on Rockland Electric Poles. <https://www.oru.com/en/contact-us>

Normally, O&R does not allow anyone to place anything on the poles without permission. Not only does the BPU obligated to allow these ERUV markings, Orange and Rockland has an obligation to comply because of several Federal Law suits.

But they have NO OBLIGATION to notify the municipality. The most recent litigation was in Tenafly NJ. <http://www2.ca3.uscourts.gov/opinarch/013301.txt>

These markings connect Saddle River Road and East Mahwah road, by way of Airmont, Airmont, Masonicus, Sparrowbush and a left hand turn onto Saddle River Road.

The ERUV is not complete until the perimeter is complete. The municipalities both Mahwah and Upper Saddle River did not receive any notice, or could O&R deny the application.

There are many rumors out in the public which I understand is deeply concerning to residents. I hope that we have provided you some information which will help understanding the situation at hand. More to come.

Mayor Bill Laforet

On Jul 18, 2017, at 9:15 PM, Michael Rocco [REDACTED] wrote:

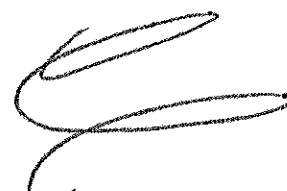
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Michael Rocco
Resident
7 Winter Ter
Mahwah

Redacted —
Email Address



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Sent: Tuesday, July 18, 2017 9:54 AM
To: William Laforet
Subject: RE: March 2017 - ERUV permit - Mahwah <External Sender>

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To: Damiani, Michelle
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Regards, Mayor Bill Laforet

Mayor Bill Laforet



Redacted -
Email
Addresses
& Telephone
[Signature]

Mahwah selected the Safest Community in all of New Jersey 2014

William "Bill" Laforet
Mayor Township of Mahwah
475 Corporate Drive
Mahwah, New Jersey 07430
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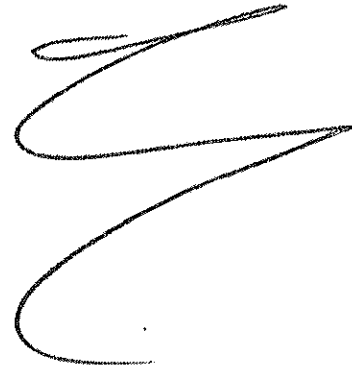
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Regards, Michelle

Redacted
Telephone #

A large, stylized handwritten signature, likely belonging to Michelle, is written in black ink.