

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR/WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, JANUARY 12, 2015 AT 7:30 P.M.**

I. CHAIRMAN'S OPENING STATEMENT, ROLL CALL, FLAG SALUTE

The combined public/work session meeting of the Planning Board of the Township of Mahwah held at the Municipal Building, 475 Corporate Dr., Mahwah, N.J. was called to order at 7:45 p.m. by Mr. Sherer. The Opening Statement was read according to the Sunshine Law followed by the flag salute.

These minutes are a synopsis of the meeting. A verbatim audio recording is on file at the Planning Board Office, 475 Corporate Dr., Mahwah, N. J. Copies may be purchased for a fee.

The following individuals were present:

Mayor Laforet
Ms. Ariemma
Mr. Bagatelle
Mr. Crean
Mr. Donigian
Mr. Marcus
Mr. Sherer
Mr. Weixeldorfer
Mr. Jandris
Mr. Mordaga

Professionals: Peter J. Scandariato, Esq., Michael Kelly, P.E., David Roberts, P.P.

The following individuals were absent:

Mr. Van Duren

II. APPROVAL OF BILLS: None to present.

III. APPROVAL OF MINUTES: December 8, 2014

Motion to approve the minutes was made by Mr. Marcus and seconded by Mr. Donigian. A roll call of members present revealed 6 aye votes by Mayor Laforet, Mr. Crean, Mr. Donigian, Mr. Marcus, Mr. Sherer, and Mr. Jandris.

IV. RESOLUTION(S) AUTHORIZING CONTRACTS FOR PROFESSIONALS:

- A) Resolution Authorizing the Award of a Non-Fair and Open Contract for Professional **Legal Services** for the Year Jan. 1, 2015 – Dec. 31, 2015

Motion to approve the resolution was made by Mr. Marcus and seconded by Mr. Donigian. A roll call of members present revealed 9 aye votes by Mayor Laforet, Ms. Ariemma, Mr. Bagatelle, Mr. Crean, Mr. Donigian, Mr. Marcus, Mr. Sherer, Mr. Weixeldorfer, and Mr. Jandris.

- B) Resolution Authorizing the Award of a Non-Fair and Open Contract for Professional **Engineering Services** for the Year Jan. 1, 2015 – Dec. 31, 2015

Motion to approve the resolution was made by Mr. Donigian and seconded by Mr. Crean. A roll call of members present revealed 9 aye votes by Mayor Laforet, Ms. Ariemma, Mr. Bagatelle, Mr. Crean, Mr. Donigian, Mr. Marcus, Mr. Sherer, Mr. Weixeldorfer, and Mr. Jandris.

- C) Resolution Authorizing the Award of a Non-Fair and Open Contract for Professional **Planning Services** for the Year Jan. 1, 2015 – Dec. 31, 2015

Motion to approve the resolution was made by Mr. Crean and seconded by Mr. Donigian. A roll call of members present revealed 9 aye votes by Mayor Laforet, Ms. Ariemma, Mr. Bagatelle, Mr. Crean, Mr. Donigian, Mr. Marcus, Mr. Sherer, Mr. Weixeldorfer, and Mr. Jandris.

V. RESOLUTION FOR MEMORIALIZATION:

- A) **Docket #377A-1, Net-A-Porter** 725 Darlington Avenue, Block 135, Lot 61.03,
Resolution of Approval

At this time, Mr. Donigian questioned the distance of the generator from the building. Mr. Jandris stated it was significantly close to the building. Mr. Kelly advised the building code needed to be met for the placement of the generator.

Motion to approve the resolution was made by Mr. Marcus and seconded by Mr. Donigian. A roll call of members present revealed 6 aye votes by Mayor Laforet, Mr. Donigian, Mr. Marcus, Mr. Sherer, Mr. Jandris, and Mr. Mordaga.

VI. OPEN TO THE PUBLIC – 15 MINUTES

Motion to open the meeting to the public was made by Mr. Marcus, seconded by Mr. Donigian and declared unanimously carried by Mr. Sherer.

Joey Bourgholtzer, 29 Hillside Ave., wished to speak regarding the planning of the DPW site location. She recalled the discussion of the area during Master Plan hearings and stated the location in question now is within the vicinity to affect traffic; she also noted in those discussions development was not to take place without rectifying the traffic conditions. She expressed concerns regarding traffic and residential high rise building in the area, noting the current conditions moving from the eastern to the western sides of the Township. Ms. Bourgholtzer expressed her opinion that the DPW buildings were not in such disrepair that they were a

detriment to those working for the DPW. She expressed further concern that the Planning Board could designate the location as an area in need of redevelopment without knowing what could be developed in the future. She also stated the location was in the 100-yr. floodplain.

Audrey Artuzio, Miller Rd., expressed concerns regarding possible residential development in a 100-yr. floodplain as well the proximity to the railroad tracks and the trestle location that funnels traffic from one side of town to the other. She held concerns regarding an increase in traffic to the area and recommended residential not be considered until the traffic issues were rectified. In response to Ms. Artuzio, Mr. Roberts advised the Master Plan was broader and included any development to the area would require some traffic improvements. Ms. Artuzio expressed further concerns about timing of the redevelopment of the area, questioning whether it was to meet transit village requirements. She state high rise apartments would increase taxes by encouraging families to move to the Township, adding children to the school systems. She stated the existing DPW location was convenient and suggested improving the existing recycling center; otherwise, she suggested developing the area as a park or R10 single family residential zoning only.

Susan Stedtler, 194 W. Ramapo Ave., suggested the Board deny the request for redevelopment and request information on possible future development of the site in order to make a decision.

Susan Chin, 186 Mabie Ct., asked what the Council was planning for the area; she stated New Jersey Transit was planning a transit village in the Township (as per realtransit.org).

At this time, Mr. Scandariato stated the item before the Board was a resolution review, not an ordinance review. Mr. Sherer informed the Council was requesting the Planning Board's input in helping to determine whether the DPW site, which has been talked about regarding redevelopment in the past, met specific statutory requirements/criteria for redevelopment. Mr. Scandariato explained the NJ Housing and Redevelopment Law requires the Planning Board to review whether a site is in need of redevelopment according to specific criteria. The Board is not giving recommendation as to particular future development. If the Board finds the area is in need of redevelopment, the Council has the opportunity to set up a Redevelopment Plan for the area; this requires additional public hearings at council meetings. Mr. Donigian noted the documents are on file with the Planning Board office; Mr. Kelly advised notice was placed in the newspaper two weeks in a row prior to this evening's meeting. Also, properties within 200-ft. were not required to be noticed.

Mr. Roberts explained the governing body begins the process for redevelopment inquiry and they are also the body that makes decisions regarding the redevelopment; the Planning Board acts objectively and is a part of the process every step of the way. He clarified the Board could determine all or only some of the lots in question as in need of redevelopment; that recommendation for redevelopment would be made to the Council who would pass the resolution designating the site. The Redevelopment Plan could then be created, which, like the Master Plan, is reviewed by the Planning Board and in accordance with specific mandatory requirements for site redevelopment designation. The Council has the option to create a Redevelopment Plan or just designate it as an area for redevelopment and then not create a plan in order to move forward. The Council could also override the Planning Board's recommendation; however, if the Board did not support redevelopment, the Council would likely have difficulty justifying the designation for redevelopment if challenged. The Redevelopment

Plan needs to be approved via Ordinance. The Board has the opportunity to express concerns when reviewing the Redevelopment Plan.

At this time, Mr. Crean excused himself from the meeting.

Motion to close the meeting to the public was made by Mr. Bagatelle, seconded by Mr. Donigian and declared unanimously carried by Mr. Sherer.

VII. PUBLIC HEARING:

1. **Review of Resolution #298-14**, preliminary investigation of property identified as Block 58, Lots 29, 30, 31 and 38 to determine if the properties qualify as an area in need of redevelopment. The boundaries of the study area are generally described as those bounded on the north by Railroad Avenue and Block 58, Lots 46 and 47, on the west by the Rockland Electric Company easement, on the south by Railroad Avenue and Old Station Lane and on the east by Railroad Avenue and Block 58, Lots 32-44. **(Adjourned from December 22, 2014)**

Mr. Roberts marked exhibits and reviewed the current site conditions. He noted the conditions for designating redevelopment:

- a) The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- b) The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- c) Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or entity, or unimproved vacant land that has remained so for a period of ten years prior to the adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d) Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community.
- e) A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.
- f) Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone,

tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.

- g) In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c. 303 (C.S2:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c. 79 (CAOA:12A-S and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L.1991, c. 431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c. 441 (CAOA:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L.1992, c. 79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a Redevelopment Plan ordinance including the area of the enterprise zone.
- h) The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.
- i) Section 3 of the LRHL, which defines the redevelopment area, allows the inclusion of parcels necessary for the effective redevelopment of the area, by stating "a redevelopment area may include land, buildings, or improvements, which of themselves are not detrimental to the health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area in which they are a part." (Redevelopment Study Area Determination of Need: Mahwah DPW Site Block 58, Lots 29, 30, 31, and 38 Mahwah, NJ; Maser Consulting P.A., 2014).

Mr. Roberts reviewed the environmental issues and the wetland areas in relation to the sites in question. He reviewed aerial photographs of the location, noting the geographical changes over time. He stated the issues with the existing Recycling Center and cited safety concerns with the increase in traffic as well as the traffic pattern across the site. In response to Mr. Donigian, Mr. Roberts read into the record pg. 24 "2012 Mahwah Master Plan" ¶ 2, "Currently the facilities for the DPW are inadequate to meet the needs of the community. The site of the DPW building lacks adequate parking, storage of equipment and has poor vehicular circulation. In particular, there are conflicts with the use of recycling Drop-Off Center by citizens, and other operations occurring at the site. In addition, the Goals and Objectives of the Master Plan include the following: **GOAL 9:** *To encourage new development, and redevelopment, to take into account the aesthetic character of the community, in an effort to enhance the aesthetic appearance of the municipality.* **GOAL 17:** *The Township seeks to ensure future development is sensitive to the lands adjacent to and designated as floodplains. This is to minimize damage to life and property from flooding caused by development within fluvial and tidal hazard areas, to preserve the quality of surface waters, and to protect the wildlife and vegetation that exist within and depend upon such areas for sustenance and habitat.* Given the above, the Master Plan is suggesting that the current Study Area is no longer suitable to meet the operational needs of the DPW and is essentially functionally obsolete. It is also recommending that the future land use be moderate to high density residential and that redevelopment result in an enhanced aesthetic appearance and

character, while minimizing and potentially improving the vulnerability of the area surrounding the Study Area to flood damage.”

Mr. Roberts noted the extensive environmental impacts of the site with vehicles and the Recycling Center on site. In response to Mr. Donigian, Mr. Roberts advised the designation for redevelopment would not harm the historic places on these sites. The Redevelopment Plan could address those issues; it could retain them with the public ownership and public access as-is currently even if the land is sold for private redevelopment. The land could also be kept as Township property, and would be outlined in the Redevelopment Plan for funding, etc... If sold, the Township could market the property and choose the redeveloper. The Board would see the site plans if privately redeveloped; in response to Mayor Laforet, Mr. Roberts confirmed the Township had control over the future of this location and the buildings currently standing.

In response to Mr. Donigian, Mr. Kelly explained the well house is not in use; he was unsure as to the status of the air stripper, but knew it was not being used as per Paul Scherer, Superintendent of the Water/Sewer Department. Mr. Donigian questioned whether the Council had suggested incorporating additional commuter parking, which is controlled via a parking pass from the Township Clerk’s office. Mr. Roberts stated surface parking was less desirable; however, it could be incorporated if desired.

In response to Mr. Donigian, Mr. Roberts summarized conclusions as follows:

1. Lot 29 (with four buildings) met criterion a), as the residential dwelling is unfit for habitation, the well house is used for storage only and the main maintenance building is over 50 years old and was designated obsolete with the 2012 Master Plan.
2. Lot 29 also meets criterion d), as it is unsightly with the outdoor storage of equipment adjacent to existing residential homes. It also includes surface parking.
3. Lots 31 & 38 are both considered under criterion c) as undevelopable due to environmental constraints.
4. Lot 30 includes storage of solid waste and also meets criterion d).

Mr. Roberts read the following into the record, “It is our opinion that, given the conditions described above, the entire Study Area can be designated as an Area in Need of Redevelopment under criteria a), c) and d).”

In response to Ms. Ariemma, Mr. Roberts explained the total area of lot 29 is 7.8 acres; Mr. Weixeldorfer noted approximately 56 residential lots could be created minus the Masonicus Brook area, the museum location, commuter parking and the roadway. Mr. Roberts stated it was reasonable to estimate approximately half of that would be the maximum. He further explained the dwelling was flooded during Hurricane Irene and multiple occasions thereafter. He suggested the house be removed and anything built in its place would need to be above the flood area. He could not give a definitive answer as to whether the dwelling location was able to be built upon due to environmental constraints.

Mr. Roberts informed the DPW buildings were already at their maximum and vehicles were being stored outside currently, as there was no longer available room inside; also, the Recycling Center was built after the adjacent residential area was developed. In response to Mr. Jandris, Mr. Roberts explained the Board had input into the Redevelopment Plan as they would with any zoning amendments: the Board would determine consistency with the Master Plan and report recommendations for the plan. The Redevelopment Plan would not automatically approve site plans; the Board would still receive full site plan applications. Also, developers could not

request a variance for the site; the Redevelopment Plan would need to be amended if the proposed development required a variance. If the area was an overlay zone, the zoning would remain in place; the Redevelopment Plan takes the place of the current zoning in place, which is moderate to high density residential R5 zoning. R5 zoning is defined in the Master Plan as medium to high density and is limited to 1-2 family homes. In Mahwah, the smallest lot size is 5,000 sq. ft. and those are found in the urban areas of town in the R5 zones.

Mr. Sherer recessed the meeting at 9:46 p.m.

Mr. Sherer called the meeting to order at 10:00 p.m. He informed the hearing would be carried to the meeting of 1/26/15.

Motion to open the meeting to the public was made by Mr. Donigian, seconded by Mr. Marcus and declared unanimously carried by Mr. Sherer.

Mr. Sherer explained to the public they were permitted to make comments and were not required to adhere to asking questions.

Barbara Shanley, Chair of the Historic Preservation Commission, supported the redevelopment of the location, but expressed concerns regarding the Township maintaining control over the historic sites. She suggested the Township not give up rights to maintain control over those sites. In response to Mayor Laforet, Mr. Roberts explained the Redevelopment Plan can be very specific about the use and ownership of the lots and these historic sites. Mr. Scandariato also noted a subdivision could be done at any time.

John Edwards, 40 Armour Rd, Vice President of the Mahwah Museum, expressed concern regarding the historic buildings on site. He distributed a memo regarding the museum and the historic sites. He preferred the historic sites stay at their current location.

Carol Greene, 800 Ramapo Valley Rd., Township Historian, expressed concerns regarding the historic location. She informed the lots once were a dairy farm owned by the Winters family; thousands of volunteer dollars and hours were spent to keep the site in Township hands. She urged the Board to protect the historic sites.

Fred Stedtler, 194 W. Ramapo Ave. stated his primary concern for the location was flooding. He suggested the current DPW buildings could be made more efficient and future development should not be extensive due to environmental constraints.

Resident, 108 N. Railroad Ave., agreed with previous residents regarding the historic sites on the properties. He expressed concern regarding impact on flooding with development in the area. He suggested improving the flood conditions would be detrimental to any future development.

Michele Catinjen, 112 N. Railroad Ave., expressed concerns regarding the flooding issues and exhibited photos to the Board of her flooded backyard during Hurricane Irene.

Evelyn Slockbower, Miller Rd., suggested dividing the department to two locations in town. She cited traffic concerns on E. Ramapo Ave. and suggested an extension of Winters Park.

Audrey Artuzio, Miller Rd., requested Mr. Roberts return with an overlay map of the environmental setbacks for wetlands buffers, etc... at the meeting on 01/26/15 so the public could better ascertain building areas. Mr. Roberts confirmed he would bring the overlay maps; however, they would only give an idea and not exact locations for buildable property. He explained the buffer sizes are the same no matter what type of development would be on the property.

In response to Ms. Artuzio, Mr. Roberts explained moderate to high density is the current designation for the residential currently in the area. Mr. Jandris noted the terms were concerning and suggested rewording from “moderate to high density residential” so the public and Board can be more comfortable with the terminology and its definition. Mr. Roberts suggested they could amend the Master Plan if desired. Ms. Artuzio encouraged saving the integrity of the location and its historical sites.

Kathy Easer, 29 Island Rd., expressed concerns regarding traffic on Railroad Avenue: the road is very narrow and large trucks cannot move down the street when cars are parked along it; there is no way to widen the street. She suggested extending Winters Park and installing a ball field for local children.

Martha Steinbruch, Wanamaker Ave., expressed concerns regarding truck traffic along E. Ramapo Ave.

Motion to close the meeting to the public was made by Mr. Donigian, seconded by Mr. Marcus and declared unanimously carried by Mr. Sherer.

VIII. WORK SESSION:

- A) COMMITTEE REPORTS
- B) OLD BUSINESS
- C) NEW BUSINESS

IX. ADJOURNMENT

Motion to adjourn the meeting at 10: 39 p.m. was made by Mr. Bagatelle, seconded by Mr. Donigian and declared unanimously carried by Mr. Sherer.

Provided to the Planning Board
on February 6, 2015 for approval
at the Regular Meeting to be held
February 9, 2015



Donelle Bright DeCouto
Planning Board Recording Secretary