

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR/WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, NOVEMBER 23, 2015 AT 7:30 P.M.**

I. CHAIRMAN'S OPENING STATEMENT, ROLL CALL, AND 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 7:36 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 (in at 8:05 p.m.)
Mr. Marcus
Mr. Sherer
Mr. Van Duren
Mr. Howard
Mr. Lo Iacono

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

The following individuals were absent:
Mr. Weixeldorfer

II. APPROVAL OF BILLS:

1. Peter Scandariato, Esq.	10/12/15	Meeting Attendance	\$ 250.00
Peter Scandariato, Esq.	10/26/15	Meeting Attendance	\$ 250.00

Motion to approve the bills was made by Mr. Bagatelle and seconded by Mr. Howard. A roll call of members present revealed 9 aye votes by Mayor Laforet, Ms. Ariemma, Mr. Bagatelle, Mr. Crean, Mr. Marcus, Mr. Sherer, Mr. Van Duren, Mr. Howard, and Mr. Lo Iacono.

2. Maser Consulting	October 2015	Additional Services	\$290.00
Maser Consulting	9/28/15	Meeting Attendance	\$200.00
Maser Consulting	10/12/15	Meeting Attendance	\$200.00
Maser Consulting	10/26/15	Meeting Attendance	\$200.00

Motion to approve the bills was made by Mr. Bagatelle and seconded by Mr. Marcus. A roll call of members present revealed 9 aye votes by Mayor Laforet, Ms. Ariemma, Mr. Bagatelle, Mr. Crean, Mr. Marcus, Mr. Sherer, Mr. Van Duren, Mr. Howard, and Mr. Lo Iacono.

III. APPROVAL OF MINUTES:

1. October 12, 2015

Motion to approve the minutes was made by Mr. Crean and seconded by Mayor Laforet. A roll call of members present revealed 7 aye votes by Mayor Laforet, Ms. Ariemma, Mr. Crean, Mr. Sherer, Mr. Van Duren, Mr. Howard, and Mr. Lo Iacono.

2. October 26, 2015

Motion to approve the minutes was made by Mr. Marcus and seconded by Ms. Ariemma. A roll call of members present revealed 8 aye votes by Mayor Laforet, Ms. Ariemma, Mr. Crean, Mr. Donigian, Mr. Marcus, Mr. Sherer, Mr. Weixeldorfer, and Mr. Howard, and Mr. Lo Iacono.

IV. RESOLUTION FOR MEMORIALIZATION:

1. Docket #559PF & 559PF-S – Apple Ridge Mahwah, LLC 269 East Crescent Avenue, Block 127, Lots 1, 3-7, Resolution of Approval

Mr. Scandariato advised of a revision in the resolution regarding future changes to the soil movement permit. He added the Township Engineer would be permitted to review and approve changes to avoid having the applicant come back for changes. Mr. Kelly would have the ability to review the changes to the permit and approve.

Motion to approve the resolution was made by Mayor Laforet and seconded by Mr. Bagatelle. A roll call of members present revealed 8 aye votes by Mayor Laforet, Ms. Ariemma, Mr. Bagatelle, Mr. Crean, Mr. Marcus, Mr. Sherer, Mr. Howard, and Mr. Lo Iacono.

V. OPEN TO THE PUBLIC – 15 MINUTES

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

Chuck Jandris, 59 Youngs Rd., praised the Board and noted that the audience present was concerned with a large physical change to Mahwah's landscape as a result of a proposed pipeline. He expressed concern regarding emergency service response to catastrophic events that could result from pipeline incidents.

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

VI. PUBLIC HEARING:

1. **Docket #71PF Mahwah Properties I, LLC** 1400 MacArthur Blvd, Block 139, Lot 3
Preliminary and Final Site Plan and Soil Movement Permit Applications for a Health and Wellness Center

Mr. Sherer informed this hearing would be carried to the meeting of 12/14/15 without further notice required.

VII. WORK SESSION:

A) NEW BUSINESS

1. Discussion of Proposed Ordinance with respect to Unregulated Pipelines

Mr. Sherer explained that the issue regarding a proposed ordinance for unregulated pipelines came before the Mayor and Council recently. The Council did not want to draft an ordinance on their own and they asked the Planning Board review the issue; there is no ordinance to review in this situation.

Mr. Roberts informed the Township Attorney sent examples of ordinances from northern New Jersey towns as well as others with comparative demographics and topography to Mahwah. All of these examples opposed pipelines unregulated by the Board of Public Utilities. Mr. Roberts explained the goal for the Board in this situation would be to guide the appropriate use of all lands in Mahwah to promote the health, safety and general welfare of the Township. He explained the Township's Master Plan has a total of 17 specific goals, none of which support this type of construction. Goal #5 of the Plan ensures that any prospective development is responsible to the Township's environmental features and can be accommodated to fit its physical characteristics; any disruption of that would be in opposition to this particular goal. Mr. Roberts detailed Goal #9, stating it encouraged new development and redevelopment to take into account the aesthetic character of the community and enhance the aesthetic quality of the Township. He explained that Goal #13 promoted the conservation of energy and renewable energy resources as much as possible. Mr. Roberts explained that Goal #14 supported Highlands philosophy as a means of providing growth management within the framework of needs and capabilities as well as specific planning area designations; any development happening in Highlands preservation area would be opposed to this goal specifically. He also explained Goal #17 protected surface water quality by ensuring that future development is sensitive to flood plains and the water quality, vegetation, and wildlife sensitivities in these areas.

In response to Ms. Ariemma, Mr. Roberts explained unregulated pipelines are not within the BPU's jurisdiction. The BPU regulates all utilities; those that are considered unregulated are operated by private companies. The BPU has more public oversight and consists of natural gas companies, power companies, etc... In response to Ms. Ariemma, Mr. Scandariato advised private pipeline companies cannot request regulation, but the state or federal government could regulate these pipelines if they chose to do so.

Mr. Marcus expressed his opinion that the Township would need every tool in its belt should a company come in with an unregulated pipeline that was without any benefit to the Township. He expressed his opinion that private companies wish to use New Jersey to do their dirty work because they do not want to build refineries elsewhere in the country. He explained his stance was not anti-oil; he expressed his concern this could result in a catastrophic event. Mr. Marcus continued, citing pipelines are not inspected in the manner they should be; they can fail and they have in the past. He noted the Township's first responders will not have the capability

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to control the devastation if a pipeline bursts or leaks; the town would have to rely on the oil company for help. He expressed his support for a possible ban on unregulated pipelines, but noted he was willing to hear additional input.

Mr. Howard stated he grew up and camped in Mahwah and is a member of emergency services in the Township; he did not want to see a pipeline come through town. Mr. Van Duren noted he was born and raised in Mahwah; he chose to remain for the beautiful park lands and nature and did not want to see unregulated pipelines as well.

Mayor Laforet noted this was a very important issue. He explained the Board carries a huge responsibility and this is an issue that concerns all citizens in the Township. The fate of this decision will affect generations to come. There is a responsibility for clean drinking water, as the aquifer starts up in Monroe and travels down to the Newark basin. The Board is here to protect the future of the community and protect clean water. It is important that the community realizes the gravity of this decision. Mr. Bagatelle explained he is raising two children in town and felt the town should oppose unregulated pipelines, citing this generation owes it to the children and future generations to do so. Mr. Crean hoped that any action taken here would also help to accomplish something at the state level. Ms. Ariemma explained she campaigned on this type of situation and noted she was against both regulated and unregulated pipelines, as natural disasters are not predictable. She thanked everyone for coming to show their support. Mr. Lo Iacono expressed his satisfaction with the concrete reasons in the Master Plan that provide solid footing to oppose this type of proposal.

Mr. Sherer explained the reason the Board was able to take a strong stand on this issue is due to the Board and professionals spending time developing the Master Plan that was passed in 2013. They worked very hard developing the land use goals in order to develop concrete evidence in order to prevent developments contrary to the Master Plan. He concurred that it is important for members of the public to be involved and applauded the public for all the hard work and commitment they have put forth on this topic specifically.

Motion to open the meeting to the public was made by Mr. Bagatelle, seconded by Mr. Van Duren and declared unanimously carried by Mr. Sherer.

Daniel Ortega, 65 Springfield Ave. in Springfield, NJ, appeared on behalf of ELEC- the Engineers Labor-Employer Cooperative. Mr. Ortega provided a letter to the Board and read the letter into the record. He noted the proposed pipeline would provide many jobs in the state, especially for those living in the area.

Steven Talercio, Bayard Ln., stated new jobs were positive for some, but any catastrophes that could take place as a result of a pipeline would be devastating to the community and outweigh any job-creating benefits. The oil that is being proposed for transport is extremely volatile and it threatens the drinking water of up to three million people. The line would run through the watershed in both New York and New Jersey and also pass through the aquifer, the Hudson River and the aqueducts providing water to New York City. Mr. Talercio cited multiple oil spills that have occurred across the country. He expressed his opinion that safety is not the priority of the job of those working on the pipeline; also, if it was not for federal agencies, the conditions of the men working would not be improved. Proper oversight and proven track records are necessary. He believed the focus should be on moving away from fossil fuels. He stated New Jersey is the gateway to the Hudson and someone has to spearhead this to get all the other townships behind them. He hoped the Board would take an active role in this and expressed his

opinion that even a slight spill would destroy the drinking water and would be detrimental to the Township.

Elizabeth and Trent Mackry, 66 Chapel Rd., appeared before the Board and read a letter, asking them to pass an ordinance to keep the emergency responders safe. Ms. Mackry noted the oil being transported is volatile. Passing an ordinance will protect the Cub Scouts. Mr. Mackry, a Cub Scout, asked the Township to not risk the campgrounds where he, his family and other Cub Scout families camp.

Matthew Ecochard, 213 Hurley Drive in Hackettstown, NJ, thanked the Board for being open to the issue. He informed he is a student at Ramapo College and president of the organization One Step. He explained that, on behalf of the students, they want an ordinance passed that includes notation that the Ramapo College students (6026 students) are opposed to this pipeline. Mr. Sherer suggested Mr. Ecochard request a copy of the Master Plan so his group has one on file.

Ally Grinkevich, 870 Macopin Rd. in West Milford and a Ramapo Student, appeared before the Board. She indicated that any spills would directly impact the water and wildlife diversity of the area. Ms. Grinkevich noted that, according to data, 44% of pipeline leaks are due to non-construction related events. There is a false sense of security thinking the pipelines are properly inspected by the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA). There are 2.6 million miles of pipeline and only 135 PHMSA inspectors. Only one in five U.S. pipeline systems have been inspected in the past eight years. Damage from pipeline leaks are never fully remediated. Recently, cleanup efforts were called off during an oil spill in Montana at the Yellowstone River. Volatile organic compounds are carcinogenic and cannot be removed from water; therefore, consequences of contaminated ground water and surface water are detrimental and the only way to prevent it is to prevent its land use.

Jorge Gomez Wei, 13-08 B Sperber Rd. Fair Lawn, a Ramapo Student and State President of the Environmental Commission of the NAACP, explained the aforementioned proposed new jobs are only temporary jobs. Many of these workers will not be from Mahwah. This is an opportunity for Mahwah to be the frontier town, where others can look to see how the Township protects its natural beauty. There are so many points in the Master Plan that are in opposition to the pipeline; as New Jersey residents, he encouraged the Board to show that we do not stand for any pipeline in the state.

Ann Powley and Peggy Boss appeared before the Board. At this time, Mayor Laforet noted that these two women have worked very hard for this purpose and meeting this evening. Ms. Powley advised they were both present to recommend the Board convince the Council to pass an ordinance against the pipeline. She noted that Mahwah was the eighth township to suggest passing an ordinance against this type of development; now there are 40 other townships involved. A similar movement in the New Jersey Senate has bipartisan support and it is becoming very clear that New Jersey does not want this type of development. She understood this is an important battle and Mahwah has put itself on the map. Nine towns have passed ordinances and all of them have been outright bans on the pipelines. A lot can be accomplished in this situation and she was looking to the Board for leadership for Mahwah. Ms. Powley informed Pilgrim filed their permits in New York three months ago and only notified the public

recently. They are not dealing with an open and transparent company; they also intend to submit for permits by the end of this year in New Jersey.

Ms. Boss explained she became involved because she moved to Mahwah 11 years ago and appreciates what is here and what Mahwah has preserved. The land here is precious and she is concerned about her property values and the water resources. She cannot comprehend how a corporate entity would put these towns at risk. Ms. Boss explained her family's equity is in their property and it should not be put at risk for a company's profit. She lives by the Ramapo River and it is important that they protect the head waters here for the rest of New Jersey. There are 5.4 million people that are affected by the water that comes from the Ramapo River basin. Any leak that occurs up river would be a catastrophe for the wells, the aquifer, and the reservoir in Wanakee, where United Water pulls water from during drought. Bergen County should be concerned about this as well. If the pipeline ran through Route 287, it would go directly through the Township's wellheads and through seven additional wellheads. She expressed her discontent with seeing union workers come to meetings to talk about workers when none of these "new workers" are going to be from New Jersey. She noted she was upset with these companies risking clean water communities. The oil is already travelling down here on barges and the pipeline is not necessary.

At this time, Mr. Bagatelle noted how proud he was, as a member of the Board for the Boy Scouts, to see so many Boy Scouts present at the meeting.

Richard Malizia, 74 Beverly Rd. in Hawthorne, appeared before the Board on behalf of the Conservation of Trout Unlimited. He explained there is over 600 members in the local chapter and he became involved in this project because of the concerns of the watershed. They frequently conduct water quality research; and despite historic abuses, there are still areas of the Ramapo River that are able to sustain cold water trout. They were opposed to Ramsey's attempt to drill two water wells in the Ramapo Reservation. Back then, two additional wells were a threat and this pipeline is obviously a threat. He noted Pilgrim claims the pipelines are the safest way to transport oil; however, the company is discussing restoration and recovery actions for emergency situations by speaking with Haliburton, who promises a response team within 24 hours of a spill. The average distance between cutoff lines is 10 miles of pipeline. Mr. Malizia explained he fishes in the Ramapo River and back when Ford was dumping, the oil was apparent in the mud and soil; it has taken a great deal of time for cleanup to take place. A pipeline will destroy the source of drinking water in the event of a spill. He informed the chapter is requesting the Board put the wellbeing of the community ahead of the profits of a private company and oppose a pipeline.

Kevin, a Boy Scout living at 30 Indian Field Court from Troop 258 appeared before the Board with Joey Terci, 636 Blue Ridge Ln. Joey Terci explained he lived in town since April 2014 and stated the pipeline should not be in town. He believed there was no point in having a pipeline in the Township because of a chance of having of spills, which would contaminate the water. Kevin informed he has camped at Campgaw three times and fished in the lake there; he stated the pipelines could destroy that. As a Boy Scout, he enjoyed doing fun things with his troop and camping and the pipeline would have negative impacts. Kevin stated that even though they were sixth graders, they wanted to try and make a difference by attending tonight's meeting.

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Ryan Martens, 28 Hale St. New Brunswick, NJ, noted that the youth here this evening can shed a lot of light and put a perspective on things. Mr. Martens informed there are positive important prospects for the future outside of oil. They should try to not only control oil pipelines, but also focus on other projects, including wind, solar and geothermal energy sources. He stated that we stand at a very important position to make an impact on the community and the state on this issue. The Ford Plant was detrimental to the Ramapo Lenape nation as a result of their toxic dumping; he wanted to be sure this never happens again. He hoped the Board felt empowered to make a decision tonight.

Erik Fuchs-Stengel, 1024 Ash Drive, informed he lived here for 24 years. He is the founder of MEVO, an organization that has existed for eight years in Mahwah, which he started at 16 years old. Mr. Fuchs-Stengel explained he has dedicated his life to cleaning up the town, specifically along Stag Hill Rd. A pipeline built here would destroy eight years of his life's work. The first word people hear when he travels around the state is Mahwah; and he has found that many look to Mahwah as a town that is taking the right steps toward a renewable and sustainable future.

Helen Martino, a realtor for Sotheby's International Realty at 172 Deer Haven Rd. appeared before the Board, noting she wished to comment about the value of the area as a representative of the Deer Haven Association. When appraisers come to the town, they ask about the value of the homes. This effort against the pipeline is one that attempts to preserve home values. Regarding the Tennessee pipeline, most of the people working were not from the area. She expressed concerns about the water and believed the real value in town is the land, which should be preserved.

Jack Garbedian, 51 Heather Lane, informed he had lived in town for seven years. He noted the pipeline was not the right choice to make and explained nature would be adversely affected.

Trent Mackry, 66 Chapel Rd., informed he appreciated taking walks outdoors and expressed his concerns that, if there are spills, the oil may be detrimental to plants and wildlife.

Susan Curry, 15 Pierson Ct., explained she was a Board of Education member for 15 years. She thanked the women who put this attendance together. She had previously dealt with a gas station in town that was putting tanks above a sole source aquifer, but this proposed pipeline is much worse. She expressed this was an uphill battle; there should be an ordinance or ban, but they can expect push back on this issue. The youth present this evening speaks volumes, as this decision is about the future of Mahwah.

Richard Wolf, 6 Stonewall Ct., appeared on behalf of the Environmental Commission. He informed the Commission fully supported anything that gives the citizens of Mahwah some sort of support against this, especially a resolution to oppose the pipeline. Mayor Laforet thanked Mr. Wolf and the Commission's work in the community.

Jim Capotis, 310 Gramercy Place, Glen Rock, owner of the Boy Scouts Yaw Paw Camp, expressed his frustration with being bullied into having a pipeline installed. He stated their financial resources are miniscule in comparison to the companies they are in opposition to. Hundreds of Boy Scouts attend camp over the summer on any given day and this would create

exposure to possible catastrophes. He thanked the Board for standing in opposition to the pipeline.

Margaret Wood, 324 Germantown Rd. West Milford, expressed she was opposed to the pipeline. Pilgrim pipeline does not provide permanent jobs and the Tennessee gas line was constructed through West Milford. All “new” workers came from elsewhere, many were from Tennessee and followed the line’s construction from state to state. Only traffic coordinators were from the Township. She did not want tax dollars to pay for a pipeline for private benefit; the company will pay for employees and construction, but the towns will have to pay for any issues. If a spill occurred, they would send someone from Texas up to handle the situation 24 hours later. Local tax payers would have to pay for local first responders to assess damage. There is an increased risk of fires that could start from an oil leak and these fires would be too large to handle. Ambulances, police and other emergency responders will have to be called in from multiple towns. Profits will go to the private company and the local tax payers will inevitably bear the cost.

Nancy Krause, 22 Hickory Dr., Oakland, appeared before the Board as Chairperson of Oakland’s Environmental Commission. She informed that in September of 2014, they advised their Council to vote against the Pilgrim Pipeline, which was successfully put forward. Oakland’s Planning Board is reviewing that ordinance currently. In addition to the concerns already expressed, there are additional concerns regarding soundwaves from blasting, problems with bringing in machinery, and habitat concerns regarding vernal pools with endangered species. The New Jersey Highlands has 72 endangered, threatened, and rare species listed from this area; protecting the area would be protecting these species as well.

Mike DeLuca, 11 Parsons Ct., appeared before the Board. He was concerned that an ordinance could not successfully be litigated. Mr. Scandariato explained this was not the case; he detailed ordinances are not adopted at the Planning Board level, but, rather, the Council adopts the ordinance. Ordinances can be challenged upon procedural grounds or some other grounds and certainly can be litigated. Mr. DeLuca noted he was firmly against the pipeline.

Matt Smith, 123 Livingston Ave., New Brunswick, appeared before the Board as the Regional Organizer for Food & Water Watch in New Jersey. He informed of the Coalition Against the Pilgrim Pipeline, a group of 70 organizations involved in actively opposing the pipeline. He thanked the Board for being open and transparent and as inclusive as possible. In a press release last week, Pilgrim informed they will be submitting a permit to the NJDEP by the end of the year. He stated they have an opportunity to create an ordinance that will have the ability to stand up in court; he noted it will take a coordinated effort between the 30 towns in New Jersey, the dozen towns in New York, and a strong will from communities to fight this.

Distinctions inclusive of legal considerations and hazardous material research are important to look at when banning or regulating unregulated oil pipelines in New Jersey. These specific areas: setback distances and sensitive locations such as Mahwah schools, athletic fields, medical facilities, daycare facilities, residences, etc... should be protected. He added consideration should be made for financial regulations- indemnification, healthcare costs, escrowing for potential issues. Protection should be made for wellheads, streams, aquifers, and reservoirs that are not already protected by the State. Reinforcing steep slope regulations within

the Master Plan is also ideal. There should also be limits for construction activity, water testing requirements, and restrictions on blasting.

According to the Municipal Land Use Law, Mr. Smith suggested the Township perform a groundwater and/or stream report to back up proposed ordinances, so it can be shown that the ordinance is based off of sound data in order to hold up in a court of law. Pipeline safety cannot be mentioned in an ordinance, as the federal government has control over this. Economic welfare, public health and safety are all permissible. Many towns have made a public ban on these unregulated pipelines, but there is value in constructing something that is different and could hold up in court. Time of application is an issue when the application is put through if towns do not have ordinances in place. He knows there are two other Council meetings and he is asking the Council to draft an ordinance using specific recommendations for the December 3 meeting. He also requested the Council commission the planning professional to conduct the research regarding specifications to include in the ordinance. He encouraged the Board members to contact him regarding his suggestions to strengthen the ordinance. He hoped there would be ongoing transparency and that, together, they would be able to protect the residents of Mahwah from the risks of unregulated pipelines.

At this time, Mr. Scandariato noted there were many interesting and valid comments made this evening. He advised the Board could only review proposed ordinances to see if they are in accordance with the Master Plan; therefore, any action must be made to confirm compliance/noncompliance with the Master Plan. In response to Mr. Scandariato, Mr. Roberts acknowledged the wellhead concerns expressed by Mr. Marcus at the start of the meeting. He informed the Board readopted the Environmental Resources Inventory (ERI), which included wellhead protection areas, steep slopes, topography and all the items that would constitute the logical underpinning for the regulation of public welfare. This is an area that is under the dual jurisdiction of the Highlands and the NJDEP. Mr. Roberts noted that all the legal points Mr. Smith mentioned can be considered as well, as more than half of the Township is in the Highlands preservation area. There is a map in the Master Plan, which provides for a much greater level of defense; the map and the goals are consistent with regulation.

Mayor Laforet explained the goals detailed in the Master Plan would take any development into consideration. In response to Mr. Sherer, Mr. Scandariato advised the Board was able to prohibit unregulated pipelines outright because of a radical nonconformity with the Master Plan. Mr. Donigian suggested recommending this is not a permitted use in any of the zones in the Township of Mahwah rather than encouraging an ordinance against the proposed pipeline specifically. In response to Mr. Sherer, Mr. Donigian suggested a vague statement is ideal, as the Board cannot be specific to oppose this pipeline, which is based on a concept in the media as nothing has been presented to the Council specifically. In response to Mr. Donigian, Mr. Scandariato explained the standard has to be created by the Township Council; the Board can legitimately say that based upon the current zoning and Master Plan, any ordinance permitting a pipeline would be inconsistent with the Master Plan of the Township of Mahwah. Mr. Sherer explained the list would include the goals from the Master Plan that would be violated.

Mr. Marcus noted that the Board has reviewed the Master Plan and heard the public's sentiment. The Master Plan sets forth the types of uses that are wanted in the Township. An unregulated pipeline is a new use. The Master Plan would allow the Council to create a ban on these types of pipelines. An applicant always has the ability to ask for the permission of the use. An ordinance gives the Township a valuable tool for protection in the future. Mr. Crean

suggested this would be an ideal time to create a wellhead-protection ordinance as well. Ms. Ariemma expressed concerns that any amount of oil would find its way to the wells eventually. She said while setbacks could be challenged, there is no safe setback for an oil pipeline. She supported an outright ban on these pipelines. Mr. Donigian questioned why the Council has not already created a wellhead protection ordinance, as having this in place already, would put the Township in a better position. Mr. Sherer reminded the Board passed a resolution years ago and requested a copy be provided to Ms. Ariemma. Ms. Ariemma advised she will present this suggestion at the next Council meeting.

In response to Mr. Lo Iacono, Mr. Scandariato advised the Board can only recommend to the Council; it is up to the Council to determine prohibition or control. He explained, that in light of time constraints, a resolution will not be adopted until after the next Council meeting of December 3. He suggested forwarding a letter to the Council for their meeting stating the Planning Board of the Township of Mahwah determined that any ordinance permitting an unregulated pipeline would be inconsistent with the Master Plan and current zoning of the Township of Mahwah. Additional detail would then be provided in the Board's resolution. Mr. Roberts advised he would include the goals of the Master Plan as previously discussed and references to the ERI and maps critical to water quality.

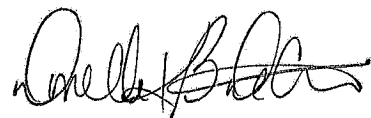
Motion to authorize the Board Recording Secretary to notify the Township Council with the Board's determination that any ordinance permitting an unregulated pipeline would be inconsistent with the Master Plan and current zoning of the Township of Mahwah with additional backup to be provided by the Township Planner was made by Mr. Donigian and seconded by Mr. Marcus. A roll call of members present revealed 10 aye votes by Mayor Laforet, Ms. Ariemma, Mr. Bagatelle, Mr. Crean, Mr. Donigian, Mr. Marcus, Mr. Sherer, Mr. Van Duren, Mr. Howard and Mr. Lo Iacono.

- B) OLD BUSINESS
- C) COMMITTEE REPORTS
- D) ITEM FOR DISCUSSION

VIII. ADJOURNMENT

Motion to adjourn the meeting at 9:47 p.m. was made by Mr. Marcus, seconded by Mr. Van Duren and declared unanimously carried by Mr. Sherer.

Provided to the Planning Board
on January 8, 2016 for approval
at the Regular Meeting to be held
January 11, 2016



Donelle Bright DeCouto
Planning Board Recording Secretary