

**TOWNSHIP OF MAHWAH PLANNING BOARD  
REGULAR/WORK SESSION MEETING MINUTES  
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.  
MONDAY, DECEMBER 12, 2016 AT 7:30 P.M.**

**I. CHAIRMAN’S OPENING STATEMENT, 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 7:33 p.m. by Mr. Crean. 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
- Mr. Bagatelle
- Mr. Donigian
- Mr. Crean
- Mr. Howard
- Mr. Lo Iacono

Professionals: Peter J. Scandariato, Esq., Michael Kelly, P.E., Debbie Alaimo Lawlor, P.P.

The following individuals were absent:

- Mr. Marcus
- Mr. Sbarra
- Mr. Sherer
- Mr. Van Duren
- Mr. Weixeldorfer

**II. APPROVAL OF BILLS:**

Peter Scandariato	11/28/16	Meeting Attendance	\$250.00
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Motion to approve the bills was made by Mr. Bagatelle and seconded by Mr. Donigian. A roll call of members present revealed 6 aye votes by Mayor Laforet, Mr. Bagatelle, Mr. Crean, Mr. Donigian, Mr. Howard, and Mr. Lo Iacono.

**III. APPROVAL OF MINUTES:**

November 28, 2016

Motion to approve the minutes was made by Mr. Bagatelle and seconded by Mr. Donigian. A roll call of members present revealed 5 aye votes by Mayor Laforet, Mr. Bagatelle, Mr. Crean, Mr. Donigian, and Mr. Lo Iacono.

**IV. RESOLUTIONS FOR MEMORIALIZATION:** None to present

**V. OPEN TO THE PUBLIC – 15 MINUTES**

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

Kim Tanis, 21 Fairmount Ave., appeared before the Board and was informed all questions would be heard regarding the application during the Public Hearing.

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

**VI. PUBLIC HEARING:**

**1. Docket #578- 341 Landcorp.** 792 & 800 Wyckoff Avenue; Fairmount Avenue; Jefferson Street Block 177, Lots 13-38, Clock 178, Lots 24-36 Preliminary and Final Major Subdivision Application & Soil Movement Permit Application

Steve Sinisi, Esq. appeared on behalf of the applicant. He gave a brief description of the application and advised it was for a subdivision resulting in 10 conforming residential lots.

Angelo Onello, P.E., 23 Thornhill Dr. in Ramsey, appeared on behalf of the applicant and informed he had worked on this type of application in other municipalities. Mr. Sinisi marked exhibits and Mr. Onello detailed the plan, noting that each lot complied with the bulk requirements of the R10 zone.

Mr. Onello described storm water control, noting that the oversized Lot 13.01 on Wyckoff/Jefferson St. would have an aboveground detention basin that would discharge into the Bergen County storm water system. He explained the existing site and surrounding area, noting it used to be a nursery and a large portion of the property is currently impervious area. As a result, storm water runs uncontrolled onto the County roadway. There are four buildings currently on the site and the northern area of the lot has a retaining wall as well as a large graveled area. Existing improvements will be removed upon approval of this application. Jefferson St. is currently a paper street with little improvements.

Mr. Onello explained there is a set of standards to control soil erosion during construction. Silt fencing will be used to prevent soil from exiting the site during construction. They will also be utilizing a construction access wheel blanket at the entrance onto the site, which cleans wheels before the trucks leave the site. Soil and topsoil will be wrapped in filter fabric to keep from spreading around the site, and inlet protection will be in place to prevent soil from entering inlets. Mr. Onello informed the applicant was willing to protect specific trees in accordance with direction from the Engineer and Bergen County Soil Conservation District. Mr. Sinisi informed they would be meeting with the Environmental Commission and tree experts in the future.

Mr. Onello informed the proposed utility structure is adequate to service the subdivision for water usage and storm water management. The sanitary network, water mains, etc... and other utilities will be directed via the County and public service (electric, etc...). In response to Mr. Donigian, Mr. Sinisi informed the calculation per home is a requirement as per Boswell's letter and will be provided upon approval. Mr. Onello informed each home was proposed with a

drywell to take the water from roof leaders; he noted the piping specs comply with Township requirements.

Mr. Onello explained there would be no import of soil required due to the existing grade. The applicant provided comprehensive calculations to ensure the volume of cut would be 6500 cubic yards with 5954 cubic yards fill and 485 cubic yards of export necessary. The applicant intended to keep as much soil on site as possible and will keep within appropriate times for soil movement. The applicant was aware the exact soil movement route needed to be approved by the Police Department and the bid winner would need to furnish information as to where the soil is moving.

Design waiver requests for the curbing and sidewalk requirements were made by the applicant. Mr. Onello explained the Residential Site Improvement Standards (RSIS) aims to keep development low-impact. However, the absence of sidewalks and curbing would result in plowing and runoff deteriorating the edge of properties. The request waiver would actually permit installation of curbing to delineate as well as control storm water in an effective manner. The applicant was requesting to waive sidewalks on Jefferson St., as it is a low-intensity development with only seven proposed homes and a pavement width of 28 feet. He noted the surrounding areas do not have sidewalks. Waiving the sidewalks on Jefferson St. would provide more green space and fewer impervious area.

Mr. Crean referred to the new parklands created across from this development and suggested that the sidewalks may be necessary. Mr. Onello informed they would take direction from the County Planning Board regarding requirements on Wyckoff Ave.; he reminded the request waiver for sidewalks was only for Jefferson St. Mr. Donigian requested to see impervious coverage calculations for each lot. Mr. Onello and Mr. Kelly advised the lots were permitted to max out at 40% maximum impervious coverage per lot.

Mr. Sinisi informed the Historic Preservation Commission did not provide comments on the application. The applicant would meet with the Environmental Commission when approval is received and then respond to their comments and concerns. Mr. Onello explained the property was predominantly wooded, and the applicant is fully prepared to survey every single tree on the site. Mr. Kelly advised the Board usually received the tree calculations during the soil movement permit application. He recommended the condition of approval should include the applicant obtain the approval of the Environmental Commission if moving forward since the Commission has not approved the tree plan and removal.

Mr. Kelly explained street trees would be required every 50ft. along the new roadway; and the Board cannot require tree plantings on Wyckoff Ave. To address the trees per lot, if the Board were to require one replacement tree for every four removed per lot, it could result in an unbalanced number of trees per lot. The applicant could also take an aggregate, divide by the total new lots and install the average amount of replacement trees for each lot. Mr. Kelly noted the soil movement proposed for this project is for the roadway improvements, utilities, and development of each individual lot. Typically, the Board requires the plot plan to be approved prior to tree removal; the largest area impacted for tree removal is along the eastern portion of the property.

Mr. Crean questioned if the applicant could build the proposed three lots on Jefferson St. without removing all the trees along the eastern portion of the property. In response to Mr. Donigian, Mr. Onello informed the improvements on Jefferson St. would not require much tree removal. Any tree proposed to be removed will be part of the tree count. Mr. Donigian expressed concerns regarding residents at the eastern side who will not know the number of trees to be removed; he preferred to see the tree counts on the plan. In response to Mr. Scandariato,

Mr. Kelly confirmed that an aggregate division per lot is typically what is done in these situations. Mr. Scandariato advised this would not prevent the applicant from installing more or keeping more than what was initially intended. In response to Mr. Kelly, Mr. Onello confirmed the applicant anticipated saving a number of trees.

Mr. Onello informed trees would need to be removed along the eastern section of the site where improvements will be placed. The grading along the rear of the property line will match the existing grade. Leaving trees would add character to the lots as a whole, so the applicant did not anticipate builders clear cutting all the trees at the rear property lines. The existing grade on Lot 24.01 will match the proposed grade within a few inches. Mr. Kelly advised grading in this area could be prevented to provide more of a buffer. He acknowledged the Board's concerns regarding the unknown number of trees being removed.

Mayor Laforet expressed concerns the future owners could install a pool and remove the remaining trees. Mr. Kelly advised this would only be possible if the total lot coverage requirements were met. Mr. Donigian suggested a tree plan would be better for the residents. Mr. Sinisi advised the proposed complied with the ordinance for subdivision approval. In response to Mr. Scandariato, Mr. Kelly explained if the Board approved the development, the trees are to remain as decided by the Board and if additional ones want to be removed, the applicant would be required to reappear before the Board. Mr. Kelly expressed his preference for seeing the tree plan so the Board can see a general guideline and the Board, developer and neighbors could rely on the plan moving forward. Mayor Laforet wished to hear the consensus of the public members regarding this situation.

Mr. Onello advised the Board of Health correspondence noted all homes were to be connected to the Township water and sewer utilities. There is an existing well at 792 Wyckoff Ave., which will be abandoned with a NJDEP licensed contractor. There are no septic systems on the plan; however, if any are found, they will be pumped and abandoned in accordance with Township regulations. In response to Mr. Crean, Mr. Onello explained the applicant could extend the water utility to the end of the cul-de-sac; however, connecting to the nearest hydrant at Highland Place and Wyckoff Ave. would result in a connection length of over 200 ft. In doing this, it would be a serious undertaking that would close Wyckoff Ave. and probably force detours through the local streets. Mr. Donigian noted the County may require this anyway to meet requirements. In response to Mr. Kelly, Mr. Onello noted there would need to be an analysis to determining if looping into the system would improve water quality to the three Jefferson St. homes. Mr. Kelly advised there would be better system reliance if there was ever a water main break; it would be best to loop the system.

Mr. Onello referred to the letter by Boswell Engineering dated 12/8/16. Regarding the subdivision plans, it was confirmed the subdivision would be responsible for the drainage basin maintenance, which would be recorded with the deed and conveyed to each owner. Mr. Onello detailed the yard setbacks through exhibits, noting compliance as well as provided the request for sight triangle easements. The applicant agreed to ensure runoff does not flow or get trapped on adjoining properties and will provide a Zoning Table. Mr. Kelly noted the small portion of the paper street on Jefferson should be removed; Mr. Sinisi noted they will attempt, but cannot force the Council to approve this removal. Mr. Sinisi also noted the request for inclusion of stairs and stairwells on the plans would be a burden to those proposing future plot plans; Mr. Kelly explained the Board may require changes from the plans to accommodate stairs.

The applicant agreed to comply with basement/story regulations and will depict garage floor elevations for each dwelling as well as the foundation drain location and discharge points. The applicant agreed to comply with all requests regarding the preliminary and final subdivision

plats as stated in Boswell's letter. The applicant requested a waiver for the requirement to provide a map of the grate, invert elevation and pipe sizes of all structures within 500ft. The applicant agreed to provide contributions to the sidewalk fund for those areas along Fairmount and Wyckoff Avenues. The applicant also agreed to provide drainage calculations and provided testimony regarding the homeowner association's responsibility for maintenance of easements for the lawn inlets, piping and detention systems.

Mr. Onello confirmed they would update the soil movement calculations to include crushed stone used for construction purposes. They will also complete the soil movement permit application and he noted the findings of Phase I will be provided if available. The retaining wall that crosses between Lots 13.02 and 13.03 will be updated and the applicant will provide flow data for water, fire, and sewer. Affordable housing requirements will be addressed once clarified by the State.

Ms. Lawlor referred to Maser Consulting's letter of comments dated 11/28/16. She explained the waivers for sidewalks should be considered separately for each roadway as there is a school bus stop north of the property on Wyckoff Ave. She advised the cul-de-sac radius should be 50ft. as per the Township's standards. Mr. Sinisi noted the proposed outer radius of 48ft. complies with RSIS; there was not enough room to comply with the 50ft. radius. Ms. Lawlor explained this requirement was to ensure ample turning radii for emergency vehicles. The affordable housing requirements should be a condition of approval as per COAH standards.

At 9:42 p.m., Mr. Crean called a recess.

At 9:48 p.m., Mr. Crean called the meeting back to order.

Mr. Onello expressed his opinion that the application satisfies and complies with the subdivision ordinance. In response to Mr. Sinisi, Mr. Onello explained the granting of waivers would assist with drainage particularly and the design and configuration is appropriate for this property.

Motion to open the meeting to the public was made by Mayor Laforet, seconded by Mr. Howard and declared unanimously carried by Mr. Crean.

Salim Bagdadi, 789 Wyckoff Ave., questioned how overflow of the seepage pit is prevented, how mosquitoes are addressed and if the area would be fenced. Mr. Onello explained the structure is an above ground drainage detention basin and is required for stormwater control. The basin is fenced with a locking gate. If and when the basin fills with water, it will not overflow, and an outlet control structure limits the rate of runoff from the structure/basin. There are also requirements that the basin must drain completely within a given time period so there is no standing water. The depth of the basin is 3 ft. and he was confident it is required to drain within 72 hours; however, it will not take that long to drain this size basin. The basin is necessary due to the improvements on Jefferson St. and the pavement areas of the roadway.

Mr. Bagdadi questioned specifics about the driveways on proposed lots 13.02 and 13.03. Mr. Onello explained the lots would have two-car garages, and space for two cars in the driveway. The layout of the property accommodates the residential requirements and the cars are able to back out of the driveway. Mr. Bagdadi expressed concern that vehicles speed on the roadway. Mr. Bagdadi expressed soil removal concerns. Mr. Onello informed 435 cubic yards are estimated to be exported from the site, but the applicant would like to keep it all on site if possible. In response to Mr. Bagdadi, Mr. Onello informed a Phase II test was not conducted.

Kim Tanis, 21 Fairmount Ave., questioned if a traffic assessment was conducted at the corner of Fairmount Ave and Wyckoff Ave. Mr. Sinisi informed this was not required as per the law; because it is compliant and this is a permitted use, it is implicit that the traffic generated is serviced efficiently. In response to Ms. Tanis, Mr. Onello informed there were no plans to widen Fairmount Ave. He also confirmed there are existing sewer lines on the property, which will be removed or abandoned as per the Township and state standards. It will be up to the builder if the lines will be suitable for reuse. Ms. Tanis questioned if the line would be able to handle an additional ten homes in addition to the new homes on Fairmount Ave. Mr. Onello explained the sewer fee is based upon the ability for the line to carry the additional service. The sewer authority and Township are responsible for the lines and they determine if they are adequate. Mr. Kelly advised when the applicant submits the treatment works application, the office confirms it has sufficient capacity before recommending the Township endorse the line.

Brett Moreng, 46 Franklin St., appeared before the Board. Mr. Onello informed the application was filed in August of 2016. In response to Mr. Amorrey, Mr. Onello informed this was an application for a standard soil movement offsite and he could not comment on well contamination. Mr. Kelly explained well-water residents noted there was a drawdown effect when the sprinklers were run at one time on the property. These wells will be abandoned on the property. In response to Mr. Donigian, Mr. Kelly advised well-water residents to have their wells inspected in advance of the work commencing on site so they can have the existing conditions prior to any improvements.

Kristen Moreng, 46 Franklin St., appeared before the Board. Mr. Crean explained the Board has requested the tree count and buffer information. Mr. Onello explained any detours off of Wyckoff Ave. would be determined by the County. Mr. Sinisi clarified the detours were discussed if the loop was created for the water lines. Mr. Kelly advised there will be an inconvenience if Wyckoff Ave. is closed; it would have to be coordinated with the Police Department, but it would most likely involve routing traffic through the side streets. The County typically would want the roadway open at the end of a day, but it could result in daily closures for a time period. Mr. Sinisi noted the applicant did not propose this, but rather the Township is proposing this connection which would result in the road closures. The County Board has the jurisdiction and they may require this, alternatives or additions.

Motion to close the meeting to the public was made by Mayor Laforet, seconded by Mr. Bagatelle and declared unanimously carried by Mr. Crean.

Mr. Crean noted the request for information on trees and buffers. Mr. Kelly advised for the need for calculations for water and sewer as condition of approval. Mr. Sinisi explained the applicant would quantify the trees being removed, those remaining and where they will be remaining, as well as the landscape buffer definition (explanation of items in the buffer). Mr. Onello noted rows of arborvitaes to create walls of green; it is usually up to the builder to determine the specific buffer. Mr. Sinisi acknowledged the concern regarding the eastern border buffer and noted there would be a direct effort to address this.

Mr. Scandariato advised the applicant show the trees removed and remaining. Mr. Kelly advised to provide more detail with what the buffer will entail. The Township should be able to rely on that as a requirement for those developing the lots in the future. If it is shown on the

plan, it should be expected by the developers. In response to Mr. Donigian, Mr. Onello noted street trees will be provided in addition to replacement trees. In response to Mr. Sinisi, Mr. Kelly explained the plan is submitted to the Board and then disbursed to the commissions and departments. In response to Mayor Laforet, Mr. Scandariato advised caution regarding discussion of offsite improvements for the water main loop, which cannot be charged 100% to the applicant. This would be presented and approved by the Township Council and assessed to those who benefit from the local improvements.

Mr. Crean advised the hearing would continue on January 23<sup>rd</sup>. Mr. Kelly informed the applicant the Board requires information 10 days in advance of the meeting for review.

**VII. WORK SESSION:**

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

**VIII. ADJOURNMENT**

Motion to adjourn the meeting at 10:27 p.m. was made by Mr. Bagatelle, seconded by Mr. Howard and declared unanimously carried by Mr. Crean.

Provided to the Planning Board  
on January 20, 2017 for approval  
at the Regular Meeting to be held  
January 23, 2017



Donelle Bright DeCouto  
Planning Board Recording Secretary