

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR/WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, DECEMBER 22, 2014 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 7:37 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
- Mr. Crean
- Mr. Donigian (in at 7:41 p.m.)
- Mr. Rudolph
- Mr. Jandris
- Mr. Van Duren
- Mr. Sherer
- Mr. Marcus
- Mr. Mordaga

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

The following individuals were absent:

- Mr. Bagatelle
- Mr. Weixeldorfer

II. APPROVAL OF BILLS:

Peter Scandariato, Esq.	11/10/14	Meeting Attendance	\$ 200.00
Phillips Nizer	Nov 2014	General	\$ 486.00
Maser Consulting	11/10/14	Meeting Attendance	\$ 200.00
Maser Consulting	11/14/14	General	\$ 145.00

Motion to approve the bills was made by Mr. Crean and seconded by Mr. Marcus. A roll call of members present revealed 8 aye votes by Mayor Laforet, Mr. Crean, Mr. Rudolph, Mr. Jandris, Mr. Van Duren, Mr. Sherer, Mr. Marcus, and Mr. Mordaga.

III. APPROVAL OF MINUTES: November 10, 2014

Motion to approve the minutes was made by Mr. Rudolph and seconded by Mr. Marcus. A roll call of members present revealed 4 aye votes by Mr. Crean, Mr. Rudolph, Mr. Sherer, and Mr. Marcus.

IV. RESOLUTION FOR MEMORIALIZATION:

1. Docket #558, Sitex Group, LLC 10 Sharp Plaza, Block 26, Lot 1, Resolution of Approval

Motion to approve the resolution was made by Mr. Crean and seconded by Mr. Rudolph. A roll call of members present revealed 4 aye votes by Mr. Crean, Mr. Rudolph, Mr. Sherer, and Mr. Marcus.

At this time, Mr. Sherer informed the public that the DPW site (Item No. VI. 2)) was adjourned to the regular meeting on 01/12/15 so as to give more of the public the opportunity to attend.

At 7:41 p.m., Mr. Sherer adjourned the meeting for a short recess.

At 7:42 p.m., Mr. Sherer called the meeting back to order.

V. OPEN TO THE PUBLIC – 15 MINUTES

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

Charles Kareras, 95 Upper Lakewood Ave. in Ringwood, appeared before the Board. Mr. Scandariato advised any documents or testimony regarding the DPW site should be saved until the public hearing on 01/12/15.

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

At this time, Mr. Sherer referred to Item No. VII. C) 1. Docket #377A-1 and Mr. Crean recused himself.

VI. PUBLIC HEARING:

1) Docket #544PM SD – Anthony Fasciano, Vincent Fasciano, Joseph Rizzi & Terese Rizzi, Monroe Drive, Block 149, Lot 20 Preliminary Major Subdivision Application / Soil Movement Permit Application

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

Daniel Steinhagen of Beattie Padovano, LLC appeared before the Board and marked exhibits.

David Hals, P.E., land surveyor and planner, appeared before the Board and gave a detailed explanation of the property, noting its shape, wetlands inclusions and stated the applicant had received Highlands exemption. The proposed lots would meet the requirements of the R40 zone

for lot size and the proposed improvements included an extension of the roadway 90ft to create a cul-de-sac at the end of Monroe Dr. The sites would be similar to those on Monroe with the larger lot set further back. The applicant requested a waiver for the 200ft. topography map as the property was 8.8 acres; Mr. Kelly explained this request could be permitted, as the existing topography of the site shows sheet-flow towards the property. Due to the size of the lots, a waiver was not needed for the lack of sidewalks proposed.

Mr. Hals explained the roadway would allow for safe access by emergency vehicles. Also, storm water currently sheet flows and the proposed runoff would collect in a detention basin and then be carried to the current discharge location. The applicant proposed to dredge the discharge channel and uncover the outlet pipe at the end of the release line. Natural woodland filters would remain on both sites and Lot 20.02 would contain another swale as well as the proposed detention basin. Mr. Hals explained the adjacent properties' runoff drained towards the property; that flow would be rerouted and directed towards the existing wetland channels. The lots were fairly flat, with elevation differences of 2-5ft. They will require DEP approvals and approvals for the sewer extension.

Mr. Hals detailed the history of the property, acknowledging the swim club located on site in the 1970's; there is one building in tact that is proposed for removal. He did not anticipate future owners to build in that area, as they would need approval to cross the wetlands to access that location. The total proposed impervious was 0.45 acres, with most of it attributed to the cul-de-sac installation. The water main would be extended and the sewers proposed from the lots would be connected to the existing lines. A new fire hydrant would be installed at the end of the street and gas service would be extended as well. The trees set for removal would only be those in the areas of where future homes would be built; the wetlands buffer would remain fairly the same with a varying shape of the transition areas. The largest tree removal would take place on the smaller lot where there is a large number clustered together; only 11 would be removed from the larger lot. The total soil movement proposed would be approximately 1,700 cubic yards of fill.

The applicant agreed to provide easements on the property to the Board. In regards to the cul-de-sac right of way, the applicant agreed to reduce this to 8ft so as to avoid going to DCA with the waiver request. Mayor Laforet mentioned residents' concern regarding the topography of the site. In response, Mr. Hals agreed to provide topography for specific locations abutting the site, including properties located 200ft. east of the property. Mr. Hals reiterated the proposed lot development was unknown currently and the submitted dwellings would remain conceptual, as developers would be required to submit plot plans individually with individual soil movement applications as well. As per Mr. Kelly, the applicant agreed to not construct any additional street lighting at the proposed roadway.

Regarding the maintenance of the drainage systems, the Township would be responsible for the drainage at the roadway and outfall pipe; the applicant agreed to provide an easement so the Township could access on-site drainage systems should access be necessary in the future if not properly maintained. All owners would be responsible for the drainage systems on site and noted as such in the maintenance manuals. In response to Mr. Crean, Mr. Hals noted as long as the property is at a lower grade compared to neighboring properties, if ponding is happening at those other properties, it is solely the responsibility of those homeowners. The surface conditions on site will be better and the trees removed should not affect the adjoining properties. Mr. Kelly concurred with this statement and noted the onsite runoff will move to proposed onsite basins. Mr. Kelly added the applicant was required to demonstrate a decreased rate of runoff on site and they have done this as well as show an increase in water quality running off site. In

response to Mr. Marcus, Mr. Hals affirmed the site would not exacerbate existing conditions, but the ponding on other properties may not be reduced. He explained the outlet pipe would be dredged 100ft. due to silt buildup, which would help by allowing water to flow north, as intended. Mr. Hals also detailed the “rain-garden” type basins on the properties, which would be maintained by the property owners.

Mr. Hals noted Boswell’s Survey Dept. concerns would be addressed in the final subdivision application. The applicant agreed to provide amended soil movement calculations to include utilities as well as additional details regarding the sanitary sewer and water service improvements proposed. The applicant agreed to provide all other requests as per Boswell Engineering’s letter of 11/18/14.

In response to Mr. Sherer, Mr. Kelly noted the application needed a consistency letter from the Highlands, which they have. Mr. Roberts stated his concerns were addressed with the testimony given and noted the DPW had concerns regarding the manhole location on the proposed roadway. In response to Mr. Crean, Mr. Roberts explained the applicant was able to configure the lot width with the cul-de-sac so the lot was not a flag lot.

In response to Mr. Donigian, Mr. Hals explained they should be able to connect to the sewer system; however, if not, they’d need to run a direct line up Madison Dr. for a sewer connection. He also noted there were no other buildings from the swim club and was unsure of where the prior swim hole was located. The channel would be cleaned out and they would provide an easement for the Township access. In response to Mr. Crean, Mr. Hals explained the water would sheet flow through the small wooded areas on each lot, which, in theory, cleans the water; therefore, it would not require additional treatment. Mr. Hals noted the conservation easement would be marked out in the maintenance manual; Mr. Kelly stated the homeowners should be made aware with deed restrictions in those areas.

In response to Mr. Donigian, Mr. Kelly stated there was nothing in the code that dictates driveway setback from any of the property lines. Mr. Hals stated the driveway was, at the smallest distance, 8ft. from the property line of lot 20.02 and 12ft of lot 20.01; the distance at other locations was mostly 20ft. from the property lines. In response to Mr. Crean, Mr. Hals explained the proposed retaining walls would be in place for the garages located under the homes, as the conceptual dwellings had elevated first floors.

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

Blanch Cordero, 81 Deerfield Terrace, stated her home was adjacent to the property and there was a constant stream of water flowing from the property, which seems to indicate the property is above grade of those surrounding it. Mr. Hals explained there are wetlands along her property line and the construction on site will be 60ft. from her property line at its closest point. Ms. Cordero expressed her concern regarding endangered wildlife in the area, including the Eastern Painted Turtle, as well as the trees being removed from the property.

Vincent Gauci, 8 Monroe Dr. questioned the capacity of the sewer system at the end of Monroe Dr. He expressed concern regarding the ponding of water 8ft. from the property line of the proposed subdivision on his own property. Mr. Hals explained the sheetflow would be rerouted away from the property line; he anticipated the basins would continue to catch the runoff when homes are installed.

Mark Wench, Deerfield Terrace stated over an acre of trees would be removed from the larger lot. Mr. Hals clarified that only 11 trees were to be removed from that lot and the rest is a general clearing of the property of trees less than 12 inches in diameter. There will be small areas on site where trees will remain preserved and the old concession stand building on the larger lot will be removed. In response to Mr. Wench, Mr. Hals explained the lot owners had the ability to request subdivision again, but it would be difficult as there is no other location for road access and permission to cross the wetlands would most likely not be granted.

Victor D'Ambrosio, Bryne Drive, expressed his dissatisfaction with the subdivision. In response to Mr. D'Ambrosio, Mr. Hals explained the swale will be installed at the rear of the property and they had spoken to the prior owner of Mr. D'Ambrosio's property to make adjustments to their plans; the applicant agreed to install replacement trees if needed.

John Mucha, 37 Bedford Rd., noted the endangered turtles laid eggs on the property and expressed concern regarding those homes upstream. The sewer installation increased the sheetflow of water substantially in those areas and further disturbance could exacerbate the situation. Mr. Hals reminded the outlet pipe would be dredged and the confluence would be further downstream; also, another swale would be present at the larger lot as there are more wetlands present between the property and Mr. Mucha's property.

In response to Mr. Sherer, Mr. Kelly explained they met with the neighbors to evaluate the situation along those property lines and those discussions are being made with the Township to budget solutions to the water problems in the area.

Steven Sbarra, 92 Deerfield Terrace, questioned the sale of the lots. Mr. Steinhagen noted the current owner did not plan to develop the lots himself, so they could be for sale, but he was unsure. Mr. Sbarra stated the backyards of homes along Deerfield Terrace are sinking when it rains and the issues are not caused by the main stream that runs along those properties. He suggested a greater elevation study be conducted as the elevations were not even. Mr. Hals stated wetlands were present along all the properties and the properties were fairly level.

Paul Cordero, 81 Deerfield Terrace, expressed concern regarding tree replacement and stated more substantial trees should be used for replacement. Mr. Hals noted the replacement trees were approved at 14ft. in height by the Environmental Commission.

Blanch Cordero, 81 Deerfield Terrace, had concerns about the hearing notice. Mr. Scandariato explained the notice was made and it was not the responsibility of the applicant to make sure the notices sent were actually received by the property owners. He had already demonstrated the notice confirmation. In response to Ms. Cordero, Mr. Kelly stated she could video her backyard and bring it to the following meeting.

Stephen Cerillo, 87 Deerfield Terrace, stated he did not receive notice for the public hearing and his home borders the property. In response to Mr. Cerillo, Mr. Hals stated a property owner could reapply for further subdivision, but it would be difficult because of DEP and Highlands requirements and probable variance necessities. He further explained in some areas there are no buffers along the wetland swales and elsewhere there is a zone of 50ft from the wetlands; where the buffer was reduced in some areas, it needed to increase in others. Development could take

place at the rear of the larger lot, but it would need approvals to access that area with a connection through the wetlands. The plan was for an access easement along the swales so the Township could enforce maintenance of those swales. While the deed restrictions may seem to be a problem for future homeowners, they still will be required to maintain the storm water swales; the proposed homes would need to meet the height requirements of the Township. Mr. Hals explained the entire property, including homes on Bryne Drive and Monroe Drive was part of the old swim club, which was removed in the 1970's. The flood zone of the area was along the western part of the property by the brook and follows along the brook; the applicant still needed to go to the County Planning Board because this was a major subdivision.

Mark Wench, Deerfield Terrace, questioned how the Board could decide. Mr. Hals reminded the applicant was before the Board for a preliminary subdivision approval, which allows the applicant to install the road and proposed utility improvements. The applicant would then apply for final subdivision approval and file the maps to create the individual lots, which could then be sold. The future owners would come to the Township for all building permits. Mr. Scandariato clarified the Board was not approving home construction, only the lot lines; Mr. Steinhagen noted the conceptual dwellings were only to show the feasibility of home construction.

In response to Ms. Cordero, Mr. Scandariato informed the Board was not permitted to delay an application to await the NJDEP approvals; the Board approval of the application is still subject to DEP approval.

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

Mr. Sherer advised the application would be carried to 02/09/15.

- 2) **Review of Ordinance #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 to the regular meeting on 01/12/15.

VII. WORK SESSION:

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

1. **Docket #377A-1, Net-A-Porter** 725 Darlington Avenue, Block 135, Lot 61.03
Amended Site Plan to install a generator reducing parking by 4 spaces

Andy Del Vecchio of Beattie Padovano, LLC appeared before the Board on behalf of the applicant who was seeking to install a permanent gas generator in four parking spaces. Mr. Scandariato clarified this would be for a waiver request, not a variance, as it would decrease the parking on site.

Steven Napolitano, P.E., P.P, of SNS Architects and Engineers, detailed the application and explained the generator would be screened from Darlington Ave. and MacArthur Blvd. In response to Mr. Donigian's and Mr. Jandris' concerns regarding proximity to the building and the blocked windows, Mr. Napolitano explained the windows blocked were inoperable; other locations were not feasible due to environmental and utility constraints. Mr. Napolitano further explained the generator was exempt from noise ordinances and will comply with daytime noise constraints for testing.

In response to Mr. Roberts, Mr. Napolitano explained parking availability was not ideal during events and the applicant is looking at additional parking options for the future. The generator has interior diesel tanks and the specifics on capacity would be available on the application. The distance to the building was 5-6 ft. with an exhaust located on top of the generator. In response to Mr. Jandris, Mr. Kelly explained the generator would need to meet all building requirements once installed; Mr. Del Vecchio noted the generator was subject to building code requirements. In response to Mr. Van Duren's note about the utilities easement, Mr. Del Vecchio stated the applicant would oblige.

Motion to approve the application with the condition that the generator would meet all local and state codes as well as the Township's noise ordinances was made by Mr. Donigian and seconded by Mr. Rudolph. A roll call of members present revealed 8 aye votes by Mayor Laforet, Mr. Donigian, Mr. Jandris, Mr. Rudolph, Mr. Sherer, Mr. Van Duren, Mr. Marcus, and Mr. Mordaga.

At this time, Mr. Sherer referred to Item No. VI. 1) Docket #544PM SD.

VIII. ADJOURNMENT

Motion to adjourn the meeting at 10:21 p.m. was made by Mr. Marcus, seconded by Mr. Donigian and declared unanimously carried by Mr. Sherer.

Provided to the Planning Board
on January 23, 2015 for approval
at the Regular Meeting to be held
January 26, 2015



Donelle DeCouto
Planning Board Recording Secretary