

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR/WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, FEBRUARY 23, 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 7:34 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. Crean
- Mr. Donigian
- Mr. Marcus
- Mr. Sherer
- Mr. Van Duren
- Mr. Weixeldorfer

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

The following individuals were absent:

- Mr. Bagatelle
- Mr. Jandris
- Mr. Mordaga

At this time, Mr. Sherer requested a moment of silence to be held in memory of Peter Rudolph, former long-time member of the Planning Board.

II. APPROVAL OF BILLS:

Peter Scandariato, Esq.	12/08/14	Meeting Attendance	\$200.00
Peter Scandariato, Esq.	12/22/14	Meeting Attendance	\$200.00
Peter Scandariato, Esq.	01/12/15	Meeting Attendance	\$250.00
Maser Consulting	12/08/14	Meeting Attendance	\$200.00
Maser Consulting	12/22/14	Meeting Attendance	\$200.00
Maser Consulting	01/12/15	Meeting Attendance	\$200.00
Maser Consulting	01/12/15	Miscellaneous	\$362.50
Phillips Nizer	Dec 2014	General	\$297.00

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

III. APPROVAL OF MINUTES:

A) December 8, 2014 Regular Meeting Minutes

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

B) January 12, 2015 Reorganization Minutes

Motion to approve the minutes was made by Mr. Marcus and seconded by Mr. Crean. A roll call of members present revealed 7 aye votes by Mayor Laforet, Ms. Ariemma, Mr. Crean, Mr. Donigian, Mr. Marcus, Mr. Sherer, and Mr. Weixeldorfer.

C) January 12, 2015 Regular Meeting Minutes

Motion to approve the minutes was made by Mr. Marcus and seconded by Mr. Crean. A roll call of members present revealed 7 aye votes by Mayor Laforet, Ms. Ariemma, Mr. Crean, Mr. Donigian, Mr. Marcus, Mr. Sherer, and Mr. Weixeldorfer.

IV. RESOLUTION FOR MEMORIALIZATION: None to present.

V. OPEN TO THE PUBLIC – 15 MINUTES

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

Martha Steinbach, 8 Wanamaker Ave., stated Mayor Laforet was in support of the redevelopment and had plans for a transit community. Regarding Micik Lane, the property is smaller compared to the existing DPW site; the move would not increase space. She also noted the current location has three ingress/egress locations whereas the Micik Lane property only has one. Mayor Laforet explained Micik Lane was purchased with the intent of moving the DPW; however, any plans for the DPW will be coming before the Planning Board and will be made public for the public input. Ms. Steinbach expressed concerns regarding rerouting traffic through W. Airmount Rd.

Edwin Klanke, 11 Gardiner St., explained the school board did not provide bussing to students located in the area, as they are within the bus limits. Therefore, students have to walk through the underpass on E. Ramapo Ave., where there is no sidewalk. Mr. Sherer stated this was a school board issue, but noted students should not be passing through that area. He explained the Board was only looking at the site to determine if it met statutory criteria for redevelopment, not the future redevelopment of the site.

Laura Mennella, 32 Wanamaker Ave., informed of her attendance in 2005 regarding the salt storage on Micik Lane. She expressed concerns regarding the soil at the location and suggested alternative locations. Mr. Sherer explained the redevelopment resolution does not create a Redevelopment Plan; the Redevelopment Plan, created by Council, would take years to move forward with. Ms. Mennella stated she had lost 10ft. of property to stream erosion since 2005 and suggested the Township visit the site. Mayor Laforet informed he and the Engineer would visit the site in the future to assess any issues.

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

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, Public Hearing continued from December 22, 2014 and carried from February 9, 2015

Daniel Steinhagen, Esq. of Beattie Padovano appeared on behalf of the applicant and explained the majority of the requests for the Boswell Engineering letter dated 2/4/15 would be met. Regarding Item No. 12, the manual for homeowners will be established and the homeowners will be required to comply with easements on the property for Township access. In response to Mr. Weixeldorfer, Mr. Scandariato explained there are usually fees associated if the Township had to take care of the drainage swales.

Joseph Vince, P.E., explained the plans were adjusted to meet Boswell's most recent requests and included a map of topography for properties within 200ft. The right of way was reduced to 8ft. behind the curb; the applicant agreed to provide 27 replacement trees and a white pine buffer along lots 20.01 and 20.02. The retention basins increased slightly and they are meeting the same storm water reduction requirements. The preliminary soil movement numbers resulted in 1141 cubic yards of fill. In response to Mr. Sherer, the applicant noted drainage would flow towards the properties, not towards neighboring properties. Mr. Vince marked new exhibits and detailed changes, noting the applicant would clean the drainage pipe (approximately 80ft.) from Monroe Drive. Replacement trees would be installed along the rear property lines as well as the white pine buffer along neighboring lots at the front of the properties.

Mr. TenKate read Boswell's letter dated 2/10/15 into the record as follows:

Based on our review of the proposed water and sewer utilities for the above project, we offer the following comments:

1. *The plan must be revised to indicate the size, slope and material of sanitary sewer laterals.*
2. *The plan illustrates laterals tying into a "reset" manhole, which was previously a cleanout. The Applicant needs to show means of tying into the Township's system. In the vicinity of the development, there are only force mains. The Applicant must demonstrate that the existing force main has sufficient capacity for the additional flow.*
3. *The Applicant needs to illustrate how they are tying into the water system. Is a tapping sleeve and valve or transition coupling proposed?*
4. *The size and material of the proposed water lines must be provided.*
5. *The Applicant should submit a plan to the Fire Code Official to get approval for the location of the proposed hydrant.*

Mr. Vince noted the connections to the existing sewer could be made a condition of approval; in response to Mr. Steinhagen, Mr. Vince added it is feasible to tie into the existing sewer, and the

applicant did not want to install a septic system. Mr. Marcus noted residential concerns regarding the height of the property. Mr. Vince explained the property's proposed development would decrease runoff issues on the property itself; the issues at neighboring properties would not be tied to the proposed subdivided properties. In response to Mr. Donigian, Mr. Vince explained the neighboring property (lot 21) owner's claim regarding standing water was a result of a depression on Lot 21. Mr. Vince noted the white pine buffer would be installed at grade and informed a swale along the buffer was already present and would prevent any runoff from the plantings onto Lot 21. Mr. Roberts noted the inclusion of a 10ft. planting easement for the buffer be included with any approvals by the Board. In response to Mr. Donigian, Mr. Vince informed the driveway was located 12ft. from the property line at its closest point.

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

Mark Wench, 5 Byrne Dr., expressed concerns over future water issues. Mr. Vince explained the proposed design will reduce water runoff on site; the Township Engineer has the ability to address any concerns the Township could have regarding the proposed drainage. He noted the applicant has made every effort to comply with all storm water and Township regulations. In response to Mr. Wench, Mr. Sherer noted the properties are situated along wetlands and the proposed subdivision would most likely result in the inability to build beyond the proposed; the Board did not have the authority to place a moratorium on the number of homes built. Mr. Donigian followed, noting the developer posts bonds for site work as well as a performance guarantee; the developer would not receive back those monies should the site be unsatisfactory to the Township; this would result in lower bond ratings for the developer.

Victor D'Ambrosio, 2 Byrne Dr., expressed concerns regarding open space and woodlands as well as an increase in water runoff. He requested a larger buffer between the driveway and Lot 21. Mr. Roberts informed he did not find any driveway buffer requirements in the Township Code and Mr. Donigian reminded there were no waivers requested. Mr. Weixeldorfer explained the applicant was not asking to reduce the distance between the driveway and Lot 21 or to install an incline, which would result in excess runoff to Lot 21.

Kate D'Ambrosio, 2 Byrne Dr., expressed concern over 74 trees being removed from the property with only 24 replacements; she noted their purchase of Lot 21 was largely in part to the woodlands abutting their property. Mr. Weixeldorfer explained many assume incorrectly that adjacent wooded lots are not developable and property owners had a right to develop their property; he also noted the applicant was installing far more trees than required by the Township's ordinances.

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

Motion to approve the application was made by Mr. Weixeldorfer with conditions regarding the installation of a 10ft planting easement along lots 20.01 and 20.02 as well as approval of the sewer connection and no waivers/variances requested. The motion was seconded by Mr. Donigian. A roll call of members present revealed 7 aye votes by Mayor Laforet, Mr. Crean, Mr. Donigian, Mr. Marcus, Mr. Sherer, Mr. Van Duren, and Mr. Weixeldorfer.

At 8:46 p.m., Mr. Sherer called a recess.

At 8:52 p.m., Mr. Sherer called the meeting back to order.

- 2. 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. Public Hearing continued from January 12, 2015 and carried from January 26, 2015 and February 9, 2015.

Mr. Roberts explained the roll of the Planning Board regarding determining whether the properties in question met statutory criteria for redevelopment. In response to Mr. Marcus, Mr. Roberts informed powers of redevelopment are not triggered until the adoption of a Redevelopment Plan by Council. By determining redevelopment, the Township is better able to control the site's future development. Mr. Roberts reviewed additional slides inclusive of the wetlands buffers and designation of the museum/historic areas.

In response to Ms. Ariemma, Mr. Roberts explained the existence of an easement access at North Railroad Ave. for north of the site. There would be issues with the floodplain as the area has never been disturbed in the past. It would be difficult to install a roadway for access. Ms. Ariemma noted that while residential lots could be developed along Railroad Ave., none could be established behind those lots, as a roadway would most likely not be built. Mr. Weixeldorfer explained developers could purchase adjacent lots and create access to lots behind Railroad Ave.

In response to Mayor Laforet, the triangular property at Old Station Lane was not included. Mayor Laforet expressed his opinion that piece should be included in order to help reconfigure the roadway in the future. Mr. Roberts advised the Board suggest its inclusion to the Council for future redevelopment plans if the Board agreed. In response to Mr. Crean, Mr. Sherer stated the area for redevelopment would be approximately 1.5 acres exclusive of the historic museum area and the commuter parking lot. Mr. Sherer expressed concerns that the Township should dictate the future redevelopment of this property rather than future developers. Mr. Roberts suggested a design study to determine compatibility and future of lots on the opposite side of the railroad to see how it will all work together once a Redevelopment Plan is established.

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

Audrey Artuzio, Miller Rd., expressed concerns regarding flooding of the area as well as increased traffic, especially through the trestle. Mr. Sherer stated traffic counts should be taken at that site across varying seasons and holidays. In response to Ms. Artuzio, Mr. Roberts explained the Master Plan language regarding the lots opposite the DPW site across the railroad station was to be included in the final Master Plan. Mr. Donigian explained the Planner's report was clear about redevelopment criteria, adding those who had been to the site could see its need for redevelopment. In response to Ms. Artuzio, Mr. Marcus and Mr. Sherer agreed the Master Plan's use of terminology for "high density housing" was misleading and should be changed.

Mr. Roberts explained any future Redevelopment Plan would require consistency with the Master Plan and would also need the majority of the full Council to approve any plan

inconsistent with the Master Plan. Ms. Artuzio expressed her opinion the site was only suitable for a park; she added a new DPW would require additional revenue for building and many residents did not want the location to change.

Martha Steinbach, 8 Wanamaker Ave., suggested a traffic study be conducted for Airmount Rd. as emergency vehicles have had issues. In response to her concerns regarding a transit village, Mayor Laforet explained the transit village notion came from Master Plan discussions regarding an area where people could commute and visit local businesses in the vicinity.

Diane Adler, Mahwah Museum volunteer, explained the museum uses the triangular property across from the commuter parking as an area for education. Mr. Sherer noted the piece of property was not included in the redevelopment prospect. Mayor Laforet explained the intersection was an issue and Mr. Donigian noted the piece of property in question should be preserved.

Resident, 112 N. Railroad Ave., expressed concerns regarding the commuter parking lot. Mr. Sherer explained the Board would recommend commuter parking be maintained in redevelopment.

Joey Bourgholtzer, 29 Hillside Ave., appeared before the Board. In response to Ms. Bourgholtzer, Mr. Sherer explained the Board would not be giving a recommendation on the triangular property across from train station. Ms. Bourgholtzer expressed her opinion that the DPW lots should be made into a park. She stated the transit village was defined by NJDOT and should be considered as traffic increases would be a result. She expressed her desire for the Township to avoid development similar to Ridgewood and Hoboken. Mayor Laforet explained any and all plans for redevelopment of the properties would be before the Planning Board in public hearings and be open for public testimony. Mr. Weixeldorfer advised the Board couldn't discuss the finality of the sites without taking the first steps to recommend it for redevelopment.

Mr. Roberts explained a NJDOT transit village designation was a very lengthy process and required different zoning and rezoning. Transit-oriented development, which was discussed during Master Plan hearings, focused on transit located close to walkable destinations.

Barbara Shanley, 214 Franklin Turnpike, questioned the size of the historic area. Mr. Roberts noted the maps shown were approximations and not exact.

Beverly Collister, 128 Johnson Ave., expressed concerns regarding flooding further down North Railroad Ave. Mr. Sherer advised this would be addressed if the Board was approached with a Redevelopment Plan in the future. Mr. Marcus noted that future developers would be required to meet storm water runoff regulations and improve water drainage from existing conditions; redevelopment gives an opportunity to fix drainage issues.

Martha Steinbach, 8 Wanamaker Ave., questioned whether there were plans to keep the DPW and merely update the existing site. Mr. Weixeldorfer advised addressing the Council with similar questions.

Loretta Chickeley, 28 Wanamaker Ave., appeared before the Board. Mr. Sherer noted the buildable area of the properties was approximately 1.5 acres and included the water department's

parking area. Mr. Roberts advised a developer would have to request a waiver for development in that location.

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

Mr. Roberts, at the request of the Board, stated the area should be recommended for redevelopment based on statutory criteria A, C and D.

Motion to approve the resolution to qualify the areas listed in need of redevelopment according to criteria set forth was made by Mr. Weixeldorfer with the condition that the historic area was to be kept preserved and protected as part of lot 29 and suggestions to incorporate the commuter parking lot/increase spaces for commuter parking into any future redevelopment plans. The motion was seconded by Mr. Donigian. A roll call of members present revealed 7 aye votes by Mayor Laforet, Mr. Crean, Mr. Donigian, Mr. Marcus, Mr. Sherer, Mr. Van Duren, and Mr. Weixeldorfer; with one nay vote by Ms. Ariemma.

VII. WORK SESSION:

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

VIII. ADJOURNMENT

Motion to adjourn the meeting at 10:14 p.m. was made by Mr. Donigian, seconded by Mr. Van Duren and declared unanimously carried by Mr. Sherer.

Provided to the Planning Board
on March 20, 2015 for approval
at the Regular Meeting to be held
March 23, 2015



Donelle Bright DeCouto
Planning Board Recording Secretary