

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR/WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, OCTOBER 6, 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 7:38 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. Bagatelle
- Mr. Crean
- Mr. Rudolph
- Mr. Sherer
- Mr. Weixeldorfer
- Mr. Marcus
- Mr. Mordaga

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

The following individuals were absent:

- Mr. Donigian
- Mr. Jandris
- Mr. Van Duren

II. APPROVAL OF BILLS:

Maser Consulting	August 2014	Miscellaneous	\$ 213.00
Philips Nizer	July 2014	Admin #82544.00004	\$ 40.50
Phillips Nizer	August 2014	Admin #82544.00004	\$ 891.00
Phillips Nizer		General	\$ 391.50
Peter Scandariato, Esq.	08/11/14	Meeting Attendance	\$ 200.00

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

III. APPROVAL OF MINUTES: September 8, 2014

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

IV. RESOLUTION FOR MEMORIALIZATION:

1. Sustainable Economic Development Plan Resolution of Approval

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

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.

No one wishing to be heard, motion to close the meeting to the public was made by Mr. Weixeldorfer, seconded by Mr. Marcus and declared unanimously carried by Mr. Sherer.

At this time, Mr. Sherer referred to Item No. VII.C) 1.

VI. PUBLIC HEARING

1. E-BD-216-2645 - David Winters (carried from September 8, 2014) 37 Pine. Hill Road, Block 10, Lot 29 Soil Movement Permit Application, moving over 1,000 cubic yards of soil

At this time, Mr. Crean recused himself.

Bruce Whitaker, Esq. of McDonnell & Whitaker, LLP appeared before the Board on behalf of the applicant. He explained the applicant was unaware of a necessary permit for importing soil, so the application was being seen after the soil was moved. The application was adjourned several times due to extensive testing of the soil. The Township required estimations of the total quantity imported, knowledge of the source of soil, and samples tested by a licensed lab. Those samples and procedures for testing were then reviewed by the Township. Mr. Whitaker informed the soil samples tests came clean with levels well below the most stringent soil remediation standards. He also noted the municipal courts addressed all issues of enforcement and an underground storage tank was removed and inspected for approval of the removal.

Peter Kirch, P.L.S, of Peter Kirch & Associates, appeared before the Board on behalf of the applicant. He explained the maximum height of the retaining wall was 5ft. and the slopes proposed met the standards. He did not expect soil erosion to be an issue and noted any water flow issues due to grading could be redirected if necessary/a drainage pit could be added later. He noted the construction engineer for the wall construction would provide a report for the retaining walls. There is an overall import of 2,346 cubic yards. In response to Mr. Kelly, Mr. Kirch explained tree removal was not proposed.

Mr. Kelly requested the property line be marked in the field and concurred the soil samples were clean. In response to Mr. Sherer, he confirmed this situation has happened in the past, but he was unsure if it was ever over 1,000 cubic yards. Mr. Whitaker also noted similar applications had come before the Board; however, it was usually an in-progress application and not a completed project. Mr. Scandariato agreed the Board was able to approve “after-the-fact,” but did note they did have the ability to require a property owner to restore the property, while the courts were also able to impose fines for such actions.

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

No one wishing to be heard, motion to close the meeting to the public was made by Mr. Weixeldorfer, seconded by Mr. Marcus and declared unanimously carried by Mr. Sherer.

Motion to approve the application was made by Mayor Laforet and seconded by Mr. Weixeldorfer. A roll call of members present revealed 7 aye votes by Mayor Laforet, Mr. Bagatelle, Mr. Rudolph, Mr. Sherer, Mr. Weixeldorfer, Mr. Marcus and Mr. Mordaga.

At this time, Mr. Sherer referred to Item No. **VII.B**).

VII. WORK SESSION:

- A) COMMITTEE REPORTS
- B) OLD BUSINESS

Mr. Kelly informed a variance-free subdivision application was received for Apple Ridge. They were awaiting a letter from the Highlands Council and he will begin reviewing the application as the Engineer and will recommend a schedule for the meeting.

In response to Mayor Laforet, Mr. Roberts explained the boundaries for the Highlands centers were already reviewed by the Highlands Council. Due to the Council’s meeting schedules, it will take some time for their review and finalization.

In response to Mr. Bagatelle, Mr. Kelly informed Bolla was awaiting information from the Highlands Council as well. The Township and Bolla are awaiting the Developer’s Agreement; they are moving forward and have DOT approval.

C) NEW BUSINESS

1. **Review of Ordinance #1754**, the Township of Mahwah’s desire to amend and supplement the provisions of Chapter XXIV, Section 3.2 entitled “Zoning Map” which was introduced at the Council meeting on September 4, 2014, to rezone properties identified as Block 137, Lots 4 & 5 from the IP-120 Industrial Park Zone District to the B-40 Highway Business Zone District

Mr. Scandariato reminded the Board this was the rezoning initially proposed by the Board.

Motion to notify the Council of a recommendation for approval of the Ordinance was made by Mayor Laforet and seconded by Mr. Bagatelle. A roll call of members present revealed 8 aye votes by Mayor Laforet, Mr. Bagatelle, Mr. Crean, Mr. Rudolph, Mr. Sherer, Mr. Weixendorfer, Mr. Marcus and Mr. Mordaga.

2. Tenant Application #14-0035 – Comeini Mustafa Block 26, Lot 2, 1 International Plaza,
4th Floor

Mr. Kelly advised the Board this was a permitted use with only one car and 60sq.ft. of office space.

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

At this time, Mr. Sherer referred to Item No. **VI. 1.**

VIII. ADJOURNMENT

Motion to adjourn the meeting at 8:11 p.m. was made by Mayor Laforet, seconded by Mr. Crean and declared unanimously carried by Mr. Sherer.

Provided to the Planning Board
on October 17, 2014 for approval
at the Regular Meeting to be held
October 20, 2014



Donelle DeCouto
Planning Board Recording Secretary