

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR/WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, OCTOBER 20, 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 7:45 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:

- Mr. Bagatelle
- Mr. Crean
- Mr. Donigian
- Mr. Jandris
- Mr. Rudolph
- Mr. Sherer

Professionals: Peter J. Scandariato, Esq., Michael Kelly, P.E., Joseph Layton, P.P.

The following individuals were absent:

- Mayor Laforet
- Mr. Van Duren
- Mr. Weixeldorfer
- Mr. Marcus
- Mr. Mordaga

II. APPROVAL OF BILLS:

Maser Consulting	9/8/14	Meeting Attendance	\$ 200.00
Philips Nizer	Sept 2014	General	\$ 621.50

Motion to approve the bills was made by Mr. Crean and seconded by Mr. Bagatelle. A roll call of members present revealed 6 aye votes by Mr. Bagatelle, Mr. Crean, Mr. Donigian, Mr. Jandris, Mr. Rudolph, and Mr. Sherer.

III. APPROVAL OF MINUTES: October 6, 2014

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

IV. RESOLUTION FOR MEMORIALIZATION:

- 1. E-BD-216-2645- David Winters** 37 Pine Hill Road, Block 10, Lot 29, Resolution of Approval

Motion to approve the resolution was made by Mr. Bagatelle and seconded by Mr. Rudolph. A roll call of members present revealed 3 aye votes by Mr. Bagatelle, Mr. Rudolph, and Mr. Sherer.

- 2. Review of Ordinance #1754**, (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) Resolution of Approval

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

- 3. Tenant Application #14-0035- Comeini Mustafa** Block 26, Lot 2, 1 International Plaza, 4th Floor, Resolution of Approval

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

V. OPEN TO THE PUBLIC – 15 MINUTES

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

Peggy and Kevin Bost, 121 Deerhaven Rd., appeared before the Board and expressed their concern regarding their neighbor's tree removal and construction. Mr. Bost stated their neighbors at 125 Deerhaven Rd. had removed multiple trees, including healthy 80-100ft. Norway spruce trees. He cited concerns about runoff and soil erosion in the community. Mrs. Bost stated the permits for the tree removal were in the prior homeowner's name and the plan was to remove 20 trees less than 12 inches in diameter.

Mr. Kelly recommended no further trees be removed until the landscaping plan is reviewed and the site visited. Mr. Jandris assured the Board would act on this information. In response to Mr. Donigian, Mr. Kelly explained the homeowner did not need a letter from the Highlands Council or a soil movement permit application, as the construction is for a septic installation. Mr. Crean suggested there may be a disconnect between the Health and Construction Departments.

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

VI. PUBLIC HEARING: None to present

VII. WORK SESSION:

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

1. Docket #557, Michael Steinbruch, Executor of the Estate of Richard Steinbruch

111 Armour Road, Block 106, Lots 9 & 19 Minor Subdivision Application to create three lots

Darryl Siss, Esq., appeared before the Board on behalf of the applicant. In response to Mr. Kelly, Mr. Siss stated the applicant was requesting a waiver for lot coverage and improved lot coverage calculations and a map of existing structures within 200ft. Mr. Kelly noted the applicant would need to return if the soil movement on the lots would be greater than 1000 cubic yards or if any variances would be requested. He added tree removal would be reviewed by the Planning office.

In response to Mr. Rudolph and Mr. Jandris, Mr. Kelly explained the setback numbers and calculations were satisfactory. He noted there should not be a drainage concern.

Motion to approve the application made by Mr. Bagatelle and seconded by Mr. Donigian. A roll call of members present revealed 6 aye votes by Mr. Bagatelle, Mr. Crean, Mr. Donigian, Mr. Jandris, Mr. Rudolph, and Mr. Sherer.

At this time, Mr. Kelly referred to the subdivision of Farmstead Rd. and Weathervane Ct. He informed maintenance of the Winters House on the property was a condition of approval. The current owner wishes to remove the structure and install a garden; they were present to request the removal of this condition. Mr. Kelly added the Historic Preservation Commission was not in favor of removing the structure.

Andy Alvarez, owner of the property on Farmstead Rd., cited structural issues with the Winters House. He was hoping to develop and sell the property; he hoped to maintain only the foundation of the structure and replace with a garden and plaque. Jerry Schwartz, the real estate agent for Mr. Alvarez, attested that neighbors and potential buyers prefer the removal of the structure. Mr. Donigian suggested the building be moved to another location on the property; he noted moving it to Township property would require the Township to maintain it.

Mr. Schwartz noted the house was built in 1865 and a number of improvements were made in the house over the years. Mr. Layton suggested occasionally Historic Preservation Commissions sometimes are amenable to extensive photographs if a building is not structurally sound enough to salvage. In response to Mr. Kelly, Mr. Alvarez expressed his desire to also remove the well on the property; the well retention was a condition of approval. Mr. Scandariato advised the applicant to put in an application and Mr. Kelly stated the site should be visited once the application is submitted.

VIII. ADJOURNMENT

Motion to adjourn the meeting at 8:24 p.m. was made by Mr. Bagatelle, seconded by Mr. Jandris and declared unanimously carried by Mr. Sherer.

Provided to the Planning Board
on December 5, 2014 for
approval at the Regular Meeting
to be held December 8, 2014



Donelle DeCouto
Planning Board Recording Secretary