

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR/WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, APRIL 20, 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 7:32 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. Bagatelle (in at 7:50 p.m.)
- Mr. Crean
- Mr. Donigian (in at 7:45 p.m.)
- Mr. Marcus
- Mr. Sherer
- Mr. Van Duren
- Mr. Weixeldorfer
- Mr. Jandris

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

The following individuals were absent:

- Mr. Mordaga

II. APPROVAL OF BILLS:

Maser Consulting	3/9/15	Meeting Attendance	\$ 200.00
Maser Consulting	3/23/15	Meeting Attendance	\$ 200.00
Peter Scandariato, Esq.	3/9/15	Meeting Attendance	\$ 250.00
Peter Scandariato, Esq.	3/23/15	Meeting Attendance	\$ 250.00

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, Ms. Ariemma, Mr. Crean, Mr. Marcus, Mr. Sherer, Mr. Van Duren, Mr. Weixeldorfer, and Mr. Jandris.

III. APPROVAL OF MINUTES: March 9, 2015

Motion to approve the minutes with amendments as recommended by the Board Secretary and Township Engineer was made by Mr. Marcus and seconded by Mr. Van Duren. A roll call of members present revealed 5 aye votes by Mayor Laforet, Ms. Ariemma, Mr. Marcus, Mr. Van Duren, and Mr. Jandris.

IV. RESOLUTION FOR MEMORIALIZATION:

1. Docket # 561 – Jason Sustack 1 Sustack Place, Block 43, Lot 20.01, Resolution of Approval

Motion to approve the resolution was made by Mr. Mayor Laforet and seconded by Mr. Crean. A roll call of members present revealed 5 aye votes by Mayor Laforet, Ms. Ariemma, Mr. Crean, Mr. Sherer, and Mr. Jandris.

V. OPEN TO THE PUBLIC – 15 MINUTES

Motion to open the meeting to the public was made by Mr. Van Duren, 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.

At this time, Mr. Sherer referred to Item No. VI. 2. Docket # 461A – Provence Estate Builders, LLC.

VI. PUBLIC HEARING:

1. E-BD-216-2789 – Mahwah NL Cedars Developer, LLC 11 Arbor Lane, Block 126, Lot 129.04 Soil Movement Permit Application, floor elevation greater than 1.5’ difference and moving over 1,000 cubic yards of soil

James Jaworski, Wells Jaworski, & Liebmann, appeared before the Board and gave brief background on the application.

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

Tibor Latincsics, Conklin Associates, P.E., explained the application was for the proposed third home in the subdivision, which would have access off of Arbor Lane. Due to the elevation difference, the home’s garage is being proposed underneath the main home. This home is narrower than the other homes at 64 ft. at the front. The setbacks conform and exceed the minimum requirement. The home is 60 ft. from the right-of-way at the front to allow the driveway to sweep in front of home. The proposed soil movement included 680 cubic yards to be used on the site and another 478 cubic yards to be exported within the greater site. Two homes across the street require fill and all excess will be used to construct the berms on the properties.

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

M. Kelly advised the home met the front yard setback on Tree Farm Lane. The applicant agreed to meet all requirements in Boswell's letter. It was noted the new floor elevation exceeds 1.5 ft. from what was previously approved: the first floor is now at 1.7 ft. lower and the basement is 1.9 ft. lower than initially proposed. Mr. Kelly and Mr. Roberts advised there were no concerns regarding this application.

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

No one wishing to be heard, motion to close the meeting to the public was made by Mr. Donigian, seconded by Mr. Van Duren and declared unanimously carried by Mr. Donigian.

Motion to approve the application was made by Mr. Weixeldorfer and seconded by Mr. Marcus. A roll call of members present revealed 7 aye votes by Mayor Laforet, Ms. Ariemma, Mr. Donigian, Mr. Marcus, Mr. Sherer, Mr. Van Duren, and Mr. Weixeldorfer; with one abstention by Mr. Bagatelle.

2. Docket # 461A – Provence Estate Builders, LLC 1 Farmstead Road, Block 23, Lot 55.01 Amended Major Subdivision Application, continued from March 9, 2015

At this time, Mr. Weixeldofer recused himself.

Michael Halkias, Esq., appeared on behalf of the applicant to withdraw the application without prejudice. He informed the applicant investigated with experts and decided to suggest moving the Winters Home to public property close to the property in question as a donation to the Township. The applicant would be responsible for movement and improvements and repairs outlined in letters that were previously received. He requested feedback from the Board.

Mr. Sherer noted this was better than what was initially proposed. In response to Mr. Marcus, Mr. Halkias noted the home would be owned by the Township once the transfer of ownership took place. In response to Mayor Laforet, Mr. Halkias noted a proper foundation would be installed on property where the home would be moved; once complete, the home would then be moved; the well that remains should be decommissioned. Additional suggestions would be addressed if the township wishes and termites would be addressed as well. The applicant still possessed a list of suggested maintenance/improvements from the Township.

Ms. Ariemma reminded the beams in the house were rotting and questioned if the applicant was prepared to fix the structure of the house. Mr. Halkias informed the applicant would make the structure sound so people could enter it on a day to day basis. He would work with the Building Department and Engineer. Mr. Kelly stated it was in the best interest of the applicant to move quickly so as to avoid increasing damage to the home. Mr. Roberts expressed concern whether the house was structurally sound prior to being moved. He also noted the Board should defer to the Historic Preservation Commission in terms of whether the future location would be historically appropriate.

Mr. Sherer excused the applicant.

Mr. Sherer opened the meeting to the public.

Barbara Shanley of the Historic Preservation Commission expressed concerns about moving the house with the condition it is in currently. She stated it needed repairs and they need to be certain regarding its future location. Ms. Shanley informed current funds are not available for maintaining that structure and they would require firm conditions to move the structure. Two prior structures were approved to move to other properties. Those two properties' grants were denied as the buildings were moved too far from their historic locations. Mr. Sherer stated the Township should know the criteria for the movement prior to agreements with the applicant. Ms. Shanley questioned how the structure would be maintained in the future. In response to Ms. Shanley, Mr. Sherer stated the Board did not have jurisdiction over enforcement of repairs, which would be enforced by the Mayor and Council. Mr. Scandariato informed the Board had no jurisdiction now the application was withdrawn.

Richard Greene, Sun Valley Farm at 800 Route 202, informed the farm across the street is his private property. Mr. Kelly noted the applicant was looking into Township owned property. Mr. Greene suggested the Township enforce the developer's agreement. Mr. Scandariato informed the initial application was to tear the house down; the application was withdrawn and enforcement by the Township continues. If the Council allows the applicant to move the house, he will be required to do so as per their requirements.

Mr. Sherer closed the meeting to the public and referred to Item No. VI. 1. E-BD-216-2789 – Mahwah NL Cedars Developer, LLC.

VII. WORK SESSION:

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

Mr. Marcus informed the Township would be applying for Sustainable New Jersey this year. The Environmental Commission noted if the Township adopted the Highlands Environmental Resource Inventory as the Township's official ERI, it would receive more points towards the application. He believed it was to be adopted into the Master Plan, but never actually adopted. Mr. Roberts informed the main requirement was the notice; the ERI could be adopted as a supplement to the Master Plan, but would require the public hearing and adoption. The Board agreed to hold the Public Hearing 5/4/15.

VIII. ADJOURNMENT

Motion to adjourn the meeting at 8:06 p.m. was made by Mr. Weixeldorfer, seconded by Mr. Donigian and declared unanimously carried by Mr. Donigian.

Provided to the Planning Board
on May 15, 2015 for approval at
the Regular Meeting to be held
May 18, 2015



Donelle Bright DeCouto
Planning Board Recording Secretary