

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR/WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, APRIL 6, 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 7:30 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. Donigian
Mr. Crean
Mr. Sherer

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

The following individuals were absent:

Mr. Bagatelle
Mr. Weixeldorfer
Mr. Van Duren
Mr. Marcus
Mr. Jandris
Mr. Mordaga

II. APPROVAL OF BILLS: None to present.

III. APPROVAL OF MINUTES: None to present.

IV. RESOLUTION FOR MEMORIALIZATION:

1. Docket #524A Mahwah NL Cedar Developer, LLC Block 126, Lots 127, 129.01 – 129.03, 129.06, 129.07, Resolution of Approval

Motion to approve the resolution was made by Mr. Donigian and seconded by Mayor Laforet. A roll call of members present revealed 4 aye votes by Mayor Laforet, Ms. Ariemma, Mr. Donigian, and Mr. Sherer.

2. Docket #563 – Wendy Mechanic, Mechanic Properties, LLC 180 Franklin Turnpike, Block 71, Lot 10, Resolution of Approval

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

V. OPEN TO THE PUBLIC – 15 MINUTES

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

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

VI. PUBLIC HEARING:

1. Docket #561 – Jason Sustack 1 Sustack Place, Block 43, Lot 20.01 Minor Subdivision Application

Bruce Whitaker, McDonnell & Whitaker, appeared before the Board on behalf of the applicant. He explained the hearing was for a request for subdivision of the property, which is located in the R5 Zone. The application was for one conforming lot at 5000 sq. ft. and another with 10% greater size at 5955 sq. ft. The applicant was requesting a variance for the corner lot for front yard setback off of Route 202. The building would be oriented towards Sustack Place. The County easement is part of the property and is maintained and owned by the property owner. The applicant agreed to comply with Boswell's requests and concur with Maser's reports as well.

Peter Kirch, 43 Spring St. Ramsey, marked exhibits and described existing conditions of the property. He noted the two easements on the lot and reiterated that the proposed lot requesting the variance was the larger of the lots at 5955 sq. ft. All other setbacks on the lots are conforming. In response to Mr. Kelly, Mr. Whitaker confirmed this will be filed by deed and the concrete slab on the property will be removed; Mr. Kirch noted the setback on the property was consistent with others along Route 202.

In response, Mr. Layton concurred with Mr. Kelly that the roadway was not likely to be widened in the future, which would require the dwellings to be removed. In response to Ms. Ariemma, Mr. Kirch noted the distance from the road to the proposed house would be approximately 30 ft. In response to Mr. Crean, Mr. Kirch informed the street was Sustack Place; the applicant agreed to provide landscape fencing.

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

Tom Ashbahian, P.P., informed lot 20.02 is conforming and lot 20.03 was seeking a C-1 variance for the front yard setback from Ramapo Valley Rd. based upon exceptional/extraordinary circumstances. There would be more square footage on this lot and there was visual congruity with other homes in the neighborhood. He reiterated the widening of

the road and removal of those homes is not very likely. Both homes are fronted on Sustack Place with access from Sustack Place. The application provided good planning; it comports with the neighborhood and setbacks are similar than those seen in the neighborhood. The proposed provided new construction in the same scale as other homes in the area.

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

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

VII. WORK SESSION:

A) COMMITTEE REPORTS

B) OLD BUSINESS

C) NEW BUSINESS

1) Docket #565- William Moran 24 Franklin Street, Block 172, Lot 20 Conceptual Review – Minor Subdivision Application

William Moran, P.E., P.P., applicant, appeared before the Board. He explained the lot is 175x100 in R10 zone. The zoning required a minimum of 10,000 sq. ft. and the property is currently at 17500 sq. ft. He would propose to create two lots at 8750 sq. ft. and would like to seek a lot size variance. All infrastructure has been installed: sewer was installed, 3 fire hydrants were put in place within 200ft of the property, and electric lines were recently connected. There are two nonconformities with the rear yard setbacks. He informed there were existing nonconforming homes in the area - showing total lot size less than the 10,000 required sizes; he also pointed out rear yard setback encroachments on similar lots.

In response to Mr. Donigian, Mr. Kelly advised the applicant come to the Planning Board, as this is conceptual. It will go to the Board of Adjustment if it becomes an application for more than 1 lot variance. Mr. Scandariato added that the subdivisions come before the Planning Board if only subdividing into 1 or 2 additional lots. Mr. Kelly stated the Board typically requests information as to what hardship is present requiring this type of variance request.

Mr. Moran stated the lots would still be in the character of the neighborhood and it would eliminate the two nonconformities; he noted he was not able to acquire additional properties as all lots in the area are developed. Mr. Scandariato advised upgrading the home was not a hardship; hardships related to topographic conditions, configuration of the property, etc... and must be specific to this piece of property.

In response to Mr. Layton, Mr. Moran informed the adjacent lots are conforming, but one across from his property is undersized. In response to Mayor Laforet, Mr. Kelly stated the Board had not granted many of these types of requests; they typically ask the applicant to make the lots conforming when a large subdivision comes in. There are a few in the area around the property

in question, but it is not a majority. The applicant would have to demonstrate the hardships before the Board.

Mr. Sherer noted the application looked challenging for the applicant at this stage.

VIII. ADJOURNMENT

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

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