

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR/WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, MAY 18, 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 7:37 p.m. by Mr. Crean. 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 (in at 8:15 p.m.)
- Ms. Ariemma
- Mr. Crean
- Mr. Donigian
- Mr. Marcus
- Mr. Weixeldorfer
- Mr. Jandris

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

The following individuals were absent:

- Mr. Bagatelle
- Mr. Sherer
- Mr. Van Duren
- Mr. Mordaga

II. APPROVAL OF BILLS:

| | | | |
|-------------------------|------------|--------------------|----------|
| Phillips Nizer | March 2015 | General | \$960.00 |
| Peter Scandariato, Esq. | 4/6/15 | Meeting Attendance | \$250.00 |
| Peter Scandariato, Esq. | 4/20/15 | Meeting Attendance | \$250.00 |
| Maser Consulting | 4/6/15 | Meeting Attendance | \$200.00 |
| Maser Consulting | 4/20/15 | Meeting Attendance | \$200.00 |
| Maser Consulting | April 2015 | Miscellaneous | \$217.50 |

Motion to approve the bills was made by Mr. Donigian and seconded by Mr. Jandris. A roll call of members present revealed 6 aye votes by Ms. Ariemma, Mr. Crean, Mr. Donigian, Mr. Marcus, Mr. Weixeldorfer, and Mr. Jandris.

III. APPROVAL OF MINUTES:

A) March 23, 2015

Motion to approve the minutes was made by Mr. Donigian and seconded by Mr. Marcus. A roll call of members present revealed 5 aye votes by Ms. Ariemma, Mr. Crean, Mr. Donigian, Mr. Marcus, and Mr. Jandris.

B) April 6, 2015

Motion to approve the minutes was made by Mr. Donigian and seconded by Ms. Ariemma. A roll call of members present revealed 3 aye votes by Ms. Ariemma, Mr. Crean, and Mr. Donigian.

C) April 20, 2015

Motion to approve the minutes was made by Mr. Weixeldorfer and seconded by Mr. Marcus. A roll call of members present revealed 6 aye votes by Ms. Ariemma, Mr. Crean, Mr. Donigian, Mr. Marcus, Mr. Weixeldorfer, and Mr. Jandris.

IV. RESOLUTION FOR MEMORIALIZATION:

1. E-BD-216-2789 – Mahwah NL Cedars Developer, LLC, 11 Arbor Lane, Block 126, Lot 129.04, Resolution of Approval

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

2. Docket #461A – Provence Estate Builders, LLC, 1 Farmstead Road, Block 23, Lot 55.01, Resolution of Withdrawal

Motion to approve the resolution was made by Mr. Marcus and seconded by Ms. Ariemma. A roll call of members present revealed 4 aye votes by Ms. Ariemma, Mr. Crean, Mr. Weixeldorfer, and Mr. Marcus.

V. OPEN TO THE PUBLIC – 15 MINUTES

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

Barbara Shanley, 314 Franklin Turnpike, appeared before the Board as a member of the Historic Preservation Commission. She thanked the Board for their support and actions regarding the Winters' farmhouse.

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

VI. PUBLIC HEARING:

1. Highlands Environmental Resources Inventory Adoption into the Master Plan

Mr. Roberts explained the Inventory was initially approved 5/12/12; the Board made the determination they would consider incorporating this into the Master Plan, but it was inadvertently omitted during the Master Plan hearings. By including the ERI in the Plan, it will give the Township additional points for Sustainable Jersey certification. This ERI will be a supplement to what is already present in the Master Plan.

Mr. Roberts noted the evening's presentation was identical to that presented in 2012. He gave a brief overview, as there were new members on the Board. He reviewed the land use areas as well as the planning areas and preservation areas. In response to Ms. Ariemma, Mr. Roberts explained the three planning centers, one located in the Fardale area of the Township, another along Franklin Turnpike and the final along Route 17. He explained Highlands created the planning regulations for the protection areas. Property owners in the protected areas are required to submit to the Highlands Council for approval of any improvements on their properties.

Mr. Roberts briefly reviewed information regarding open waters, steep slope protection areas, critical wildlife habitats, preservation land maps, lake management, groundwater availability, aquifer recharge, wellhead protection areas, water utilities using groundwater as their source, and sewer service locations (noting lack of sewer service in the preservation area). Mr. Roberts noted the parallel between the information required in the ERI versus that information which is already present in the Master Plan.

In response to Mr. Jandris, Mr. Roberts stated the Board could amend the Master Plan at any time. Mr. Jandris expressed his desire to restrict steep slopes; Mr. Roberts stated they have a fair amount of regulations in the Plan regarding steep slopes. The next step would be to support an ordinance restricting steep slopes. Mr. Marcus explained the Environmental Commission requested the inclusion of the ERI be made. By including this in the Master Plan, it aides in the Township certification by Sustainable Jersey, a certification that will help the Township in the future. Mr. Jandris requested Mr. Roberts bring the Board sample steep slope ordinances for review.

In response to Ms. Ariemma, Mr. Marcus stated the Township put the Master Plan online for viewing. Mr. Roberts explained that every applicant is required to obtain a Highlands consistency determination. Eventually, the Township would adopt a Highlands ordinance to create local control. Mr. Donigian informed an applicant had come in to acquire a property on Route 17; he applied to the Highlands Council and they claimed the area was a recharge area, reducing his developable property size significantly. The applicant claimed that the Highlands had told him the Township designated the area as a recharge area, which is what prevented him from developing. Mr. Marcus added the applicant said the Highlands noted that an implementation of the planning center did not matter for his application. Mr. Roberts informed he has yet to get a clear definition and explanation of what the planning center does for the Township.

In response to Mr. Donigian, Mr. Roberts explained the Township could request an exemption from the Highlands. Mr. Donigian noted that the pieces of property were prime real

estate and it would be beneficial to the Township to be developed appropriately. Mr. Roberts advised the Township would have to make a conscious decision to request an alteration to change those properties. Mr. Marcus stated the Township should have a direct dialogue with the Highlands to better understand what the planning center means for the Township. Mr. Roberts advised he would speak with Mike Kelly to determine how the Township can engage the Highlands to review these issues.

In response to Mr. Crean, Mr. Roberts explained some applicants have sought Highlands' approval prior to coming to the Board. Mr. Donigian recalled that the applicant had come to the Board for a determination, but the Highlands reduced his developable area and the applicant decided against moving forward.

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

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. Crean.

Motion to adopt the Highlands Environmental Resources Inventory into the Master Plan, was made by Mr. Marcus and seconded by Mr. Weixeldorfer. A roll call of members present revealed 6 aye votes by Ms. Ariemma, Mr. Crean, Mr. Donigian, Mr. Marcus, Mr. Weixeldorfer, and Mr. Jandris.

VII. WORK SESSION:

A) NEW BUSINESS

1. Docket #566 – The Trustees of Carmelite Fathers 1071 Ramapo Valley Road, Block 23, Lot 45; Minor Subdivision Application

David Nasta, Esq., appeared on behalf of the applicant. In response to Mr. Donigian, Mr. Nasta explained the building was not on the Township or state register for historic homes. He noted the Historic Preservation Commission did not raise a concern regarding the house being removed. Mr. Scandariato advised the Historic Preservation Commission would like the hearing to take place, but would prefer the Board to await final approval on the subdivision. In response to Mr. Weixeldorfer, Mr. Scandariato explained that the application did not have any requests for variances and it is assumed the application should, therefore, not have any issues moving forward. Mr. Donigian noted that the Building Department would not issue a demolition permit without approval of the Historic Preservation Commission, anyway. Mayor Laforet noted it was important that the Commission have the ability to walk through the space and photograph.

At this time, Barbara Shanley, Chair of the Historic Preservation Commission, explained the Commission did not want any demolition to take place at this time without being visited and reviewed by the Commission. She acknowledged the Commission's signoff for the demolition permit and noted the Chapman estate was established between 1906 and 1908 and is important to the Township. As long as the approval does not prevent the Commission from making recommendations, she advised the Commission held no objection to approval tonight. Mr. Ten Kate explained the buildings needed to be demolished prior to a perfected subdivision. Mr. Scandariato explained they could put in the approval that the deed not be recorded; he advised the Board would

move on a minor subdivision, but any development on the site would be subject to the Board's approval and all approvals of the departments in the Township.

Mr. Nasta explained the subdivision, stating each lot would be just shy of 17 acres. The religious retreat site has not been used for years. Mr. Nasta marked exhibits.

Thomas Donohue, P.E., Donohue Engineering in Ho-Ho-Kus, appeared on behalf of the applicant, giving brief description of the current conditions of the site. The existing impervious coverage is just over 94,000 sq. ft. The proposed two lots will be conforming and there are no plans for development at this time. The existing impervious coverage would be divided evenly between the two lots: 47,136 sq. ft. for Lot 1, and 47,137 sq. ft for Lot 2. The existing condition has septic sewer and well water and the proposed structures would have septic sewer and well water as well. He noted that all reports from the departments were without comment.

In response to Mr. Jandris, Mr. Nasta explained the retreat had not been used for years and the church probably will not utilize it in the future. They expected the estate would be best sold as two estates in the future. In response to Ms. Ariemma, Mr. Nasta explained the Highlands required the applicant to notify the Board of the impervious coverage numbers in order to be in compliance. They were told that the total amount of impervious could continue, but would need to be divided in half. This would be the most impervious coverage permitted on the lots. Ms. Ariemma questioned why they could not move the proposed property line to include the entire building on one lot. In response, Mr. Nasta noted they tried to make it appropriate for future residential use. They do not envision the existing buildings would fit within a residential estate developed in the future. He was unaware of any discussions with other parties to purchase the property. Mr. Weixeldorfer explained that the lots, once divided, could be estimated at \$5 million and the County would not have the money to purchase lots like this. Mr. Marcus explained that prior deed restrictions from the County are most likely put towards preserving farmland through deed restrictions. He noted that with the current Highlands restrictions, they would only be permitted to build one home per lot.

Ms. Ariemma expressed her opinion that the County could use money to preserve these acres for public use. In response to Mayor Laforet, Mr. Roberts explained that the property owner would have to show interest in selling the land to the County for open space and the County would have to identify the property and budget the funds to purchase the property. However, most likely, the property would be sold to a developer. Approving the subdivision does not alter any future options for the property. In response to Ms. Ariemma, Mr. Roberts explained that the Highlands would most likely stop any further subdivisions should another developer wish to divide further. Mr. Nasta explained that the current impervious area plus an additional 10% was permitted to remain, but there was not much more room to create a third division for a third developable area. In response to Mr. Crean, Mr. Roberts advised the Highlands does not restrict property owners from subdividing. Mr. Ten Kate added that the development is restricted though and granting a subdivision does not approve any development.

In response to Mr. Ten Kate, Mr. Donohue explained the pump area was from the existing well-house; they need to investigate to see if the pump is in operation. The pump and well would be removed and a new well would be put in place with the proposed dwellings if/when that takes place. Mr. Roberts acknowledged testimony on impervious was provided and advised where the property line is drawn will create setback issues if the buildings are not removed. Therefore, the applicant has applied as if the buildings have been removed. He added the deed would not be signed off by the Chairman and Secretary of the Board until the buildings are removed otherwise there will be setback issues.

Motion to approve the application with condition that the Historic Preservation Commission be permitted access and the buildings be removed prior to approval of the perfected subdivision was made by Mr. Marcus and seconded by Mr. Weixeldorfer. A roll call of members present revealed 6 aye votes by Mayor Laforet, Mr. Crean, Mr. Donigian, Mr. Marcus, Mr. Weixeldorfer, and Mr. Jandris; with one abstention by Ms. Ariemma.

B) OLD BUSINESS

Mr. Jandris noted that intersection of Campgaw & Seminary Roads was still causing issues regardless of the reduced speed limit. Accidents have not been reduced. Mr. Marcus stated most have happened during daylight hours. Mr. Jandris noted the layout at the intersection was too wide and dangerous. Mr. Donigian suggested the Ambulance write a letter to the Chief of Police about the intersection to take formal action and request formal action be taken.

C) COMMITTEE REPORTS

VIII. ADJOURNMENT

Motion to adjourn the meeting at 9:06 p.m. was made by Mr. Jandris, seconded by Mr. Weixeldorfer and declared unanimously carried by Mr. Crean.

Provided to the Planning Board
on June 5, 2015 for approval at
the Regular Meeting to be held
June 8, 2015



Donelle Bright DeCouto
Planning Board Recording Secretary