

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR/WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, MAY 9, 2016 AT 7:30 P.M.**

I. CHAIRMAN'S OPENING STATEMENT, ROLL CALL, AND 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 7:31 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
Mr. Bagatelle
Mr. Crean
Mr. Donigian
Mr. Marcus
Mr. Sbarra
Mr. Van Duren
Mr. Howard (in at 7:33 p.m.)
Mr. Lo Iacono

Professionals: Peter J. Scandariato, Esq., Michael Kelly, P.E., Debbie Alaimo Lawlor, P.P.

The following individuals were absent:

Mr. Sherer
Mr. Weixeldorfer

II. APPROVAL OF BILLS:

Peter Scandariato, Esq. 4/25/16 Meeting Attendance \$ 250.00

Motion to approve the bills was made by Mr. Donigian and seconded by Mr. Marcus. A roll call of members present revealed 9 aye votes by Mayor Laforet, Mr. Bagatelle, Mr. Crean, Mr. Donigian, Mr. Marcus, Mr. Sbarra, Mr. Van Duren, Mr. Howard, and Mr. Lo Iacono.

III. APPROVAL OF MINUTES:

A) March 14, 2016

Motion to approve the minutes with amendments was made by Mr. Marcus and seconded by Mr. Donigian. A roll call of members present revealed 7 aye votes by Mr. Bagatelle, Mr. Crean, Mr. Donigian, Mr. Marcus, Mr. Sbarra, Mr. Howard, and Mr. Lo Iacono.

B) April 25, 2016

Motion to approve the minutes was made by Mr. Marcus and seconded by Mr. Donigian. A roll call of members present revealed 6 aye votes by Mr. Bagatelle, Mr. Crean, Mr. Donigian, Mr. Marcus, Mr. Howard, and Mr. Lo Iacono; with one abstention by Mayor Laforet.

IV. RESOLUTION FOR MEMORIALIZATION: None to present

V. OPEN TO THE PUBLIC – 15 MINUTES

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

At this time, Mr. Crean asked for a motion to appoint Mr. Marcus as acting Chairperson for the remainder of the meeting, as he was not able to sit for the public hearings or the minor subdivision application.

Motion to appoint Mr. Marcus as Acting Chairperson was made by Mr. Bagatelle and seconded by Mr. Donigian. A roll call of members present revealed 9 aye votes by Mayor Laforet, Mr. Bagatelle, Mr. Crean, Mr. Donigian, Mr. Marcus, Mr. Sbarra, Mr. Van Duren, Mr. Howard, and Mr. Lo Iacono.

VI. PUBLIC HEARING:

1. **E-BD-216-2893 - Mahwah NL Cedar Developers, LLC** 12 Arbor Lane, Block 126, Lot 129.05 Soil Movement Permit Application, floor elevation greater than 1.5' difference, moving over 1,000 cubic yards of soil

Spencer Rothwell of Wells Jaworski & Liebman appeared before the Board on behalf of the applicant.

Tibor Latincsics, P.E. of Conklin Associates, appeared before the Board and gave a brief explanation of the application. This property is unique in that it is located on the cul-de-sac with a 10-12 ft. elevation difference. Two garages will be constructed; one located underneath the home as a basement garage in addition to a second, first floor level garage that is connected via an additional driveway. There will be a total of 1695 cubic yards of soil exported. Thirty-five trees were removed from the site and four trees will be replaced in addition to the street trees. Mr. Kelly explained this application came before the Board as the applicant was moving more than 1000 cubic yards of soil and creating more than 1000 sq.ft. of impervious coverage. Also, the applicant requires a waiver, as the plan deviates more than 1.5ft. from the initial submission with the subdivision application.

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

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

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

2. **E-BD-216-2892 - Mahwah NL Cedar Developers, LLC** 15 Arbor Lane, Block 126, Lot 129.03
Soil Movement Permit Application, floor elevation greater than 1.5' difference, moving over 1,000 cubic yards of soil

Tibor Latincics, P.E. of Conklin Associates, appeared before the Board and gave a brief explanation of the application. Gross soil movement for the application would result in 907 cubic yards of export. The home was rotated and a garage was created at the first floor level, resulting in a 9.5 ft. elevation change in the garage floor, which was originally planned for basement-level access. There is an easement along the westerly side of the property with a retaining wall for the pressure sewer line. Street trees and four additional trees will be replaced on site. In response to Mr. Kelly, the soil will be exported from the main site; there will be some used on site, but there will be truck traffic leaving the site with soil. Mr. Kelly explained this application came before the Board because the applicant was moving more than 1000 cubic yards of soil and creating more than 1000 sq.ft. of impervious coverage. He reminded a guardrail is to be installed along the northern side of the driveway and suggested reminding the contractor that nothing is to be placed in the easement on the northwestern side of the property.

Walid Cherfane, Project Manager of Mahwah NL Cedars Developers, appeared before the Board. In response to Mr. Donigian, Mr. Cherfane informed plantings were recently installed in the last 2 weeks along the berms at the rear of the property.

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

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

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

VII. WORK SESSION:

A) NEW BUSINESS

1. **Docket #574 - Anna Jahn Trust** 16 & 24 Jahn Court, Block 152, Lots 68 & 69 Minor Subdivision Application

Thomas W. Williams appeared on behalf of the applicant and gave brief explanation of the application.

Mr. Jahn, the property owner, explained he would move the property line at the rear of the property 10 ft. into the adjacent vacant land. The front lot line will be unchanged. Mr. Kelly informed the applicant submitted a revised plan and noted the garage would have to be removed prior to perfecting

the subdivision. In response to Mr. Kelly, Mr. Jahn confirmed the existing lot is on septic and will remain. Mr. Kelly reminded the applicant will be required to connect to the sanitary sewer lines when the lot is developed. In response to Mr. Kelly, Mr. Williams informed they would file the subdivision by deed. In response to Ms. Alaimo Lawlor, Mr. Jahn explained the move was to enable him the ability to build a carriage house on the property in the future; he would require a subdivision for the additional structure and to rebuild his barn/garage.

Mr. Williams questioned if it was possible for the applicant to post bond for the removal of the garage. Mr. Jahn explained he needed to have plans drawn up, the property staked out, and obtain permits. Mr. Williams informed, when selling the land, the required removal of the structure would slow down the process considerably. In response to Mr. Kelly, Mr. Scandariato explained the Board could not approve a variance for a front yard setback for the existing garage, as that would require public notice. Mr. Jahn explained the proposed two car garage would conform, but the current structure is too close by 11 ft.; he informed he was set to close on the sale this week.

In response to Mayor Laforet, Mr. Scandariato explained the Township has permitted older homes to remain while new ones were being constructed. Mr. Kelly noted this was permitted through variance approval. Mr. Williams suggested the applicant may be able to close on the sale and await the paperwork for the subdivision. Mr. Jahn confirmed he would have the barn removed; Mr. Kelly reminded he would need to obtain a demolition permit from the Building Department. He further advised the applicant did not require the new garage to be built to have the subdivision perfected. Mr. Scandariato advised the resolution would not be up for approval until the following meeting. Mr. Kelly noted a demolition permit may be issued within a day or two through the Building Department. Mr. Marcus clarified the applicant could not perfect the subdivision until the garage is demolished; he suggested discussing this with the buyer. In response to Mr. Van Duren, Mr. Jahn confirmed he may wish to build a carriage house on the existing property in the future.

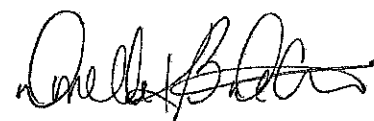
Motion to approve the application was made by Mayor Laforet and seconded by Mr. Howard. A roll call of members present revealed 8 aye votes by Mayor Laforet, Mr. Bagatelle, Mr. Donigian, Mr. Marcus, Mr. Sbarra, Mr. Van Duren, Mr. Howard, and Mr. Lo Iacono.

- B) OLD BUSINESS
- C) COMMITTEE REPORTS

VIII. ADJOURNMENT

Motion to adjourn the meeting at 8:05 p.m. was made by Mr. Sbarra, seconded by Mr. Marcus and declared unanimously carried by Mr. Marcus.

Provided to the Planning Board
on May 20, 2016 for approval at
the Regular Meeting to be held
May 23, 2016



Donelle Bright DeCouto
Planning Board Recording Secretary