

**MINUTES  
TOWNSHIP OF MAHWAH  
PLANNING BOARD  
REGULAR MEETING OF JUNE 8, 2009**

**I. OPENING STATEMENT**

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 7:00 P.M. by Chairman . The Opening Statement was read according to the Sunshine Law followed by the flag salute and roll call.

These minutes are a synopsis of the meeting. A verbatim audio tape recording is on file with the Board Secretary at the Planning Board Office, 475 Corporate Dr., Mahwah, N. J. Copies of the tapes may be purchased for a fee.

**PRESENT:** Mr. DaPuzzo, Mayor Martel, Dr. Ross, Mr. Spiech, Mr. Crean, Mr. Rudolph, Mr. Sherer (arrived 7:20 P.M.) and Mr. Williams.

**EXCUSED:** Mr. Brotherton and Mr. Jandris and Mr. Donigian

**ALSO IN ATTENDANCE WERE BOARD PROFESSIONALS:**

Planning Board Attorney, Peter J. Scandariato, Esq., Engineering Consultant, Michael J. Kelly, P.E. and Planning Consultant, Joseph Burgis, and P.P.

**APPROVAL OF BILLS**

5/18/09 Meeting Attendance	Peter J. Scandariato, Esq	\$200.00
<b>Period-April 2009</b>	Phillips Nizer LLP	\$553.00
4/27/09 Meeting Attendance	Joseph Burgis, P.P.	\$200.00

A motion to approve the bills was made by Mr. DaPuzzo and seconded by Mr. Crean. A voice vote of “aye” was heard from all Board members.

**APPROVAL OF MINUTES:** Meeting of April 27, 2009

A motion to approve the minutes was made by Mr. DaPuzzo and seconded by Mr. Rudolph. A voice vote of “aye” was heard from all eligible board members.

**RESOLUTIONS FOR MEMORIALIZATION:**

**Dkt.#E-BD-216-2271** – Resolution granting the Soil Movement Permit Application of Dr. **Rudy & Aracelly Segna**, Block 1, Lot 114, 91 Bridal Path Lane for adoption.

A motion to adopt the resolution was made by Mr. Crean and seconded by Mr. DaPuzzo. Motion to waive the reading of the resolution was made by Mr.DaPuzzo, seconded by Mr. Crean. Roll call vote of eligible members showed the following: Messrs. DaPuzzo, Spiech, Crean and Rudolph voting “aye”.

**Dkt. #509-A-** Resolution granting Amended Preliminary and Final Site Plan Approval in the Matter of **17 Franklin, LLC**, Block 69, Lots 1, 2, 3, 17 Franklin Turnpike, Mahwah and known on the Town of Suffern, New York Tax Map as Block 2, Lot 50 for adoption.

A motion to adopt the resolution was made by Mr. Crean and seconded by Mr. DaPuzzo. Motion to waive the reading of the resolution was made by Mr.DaPuzzo, seconded by Mr. Crean.

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Roll call vote of eligible members showed the following: Messrs. DaPuzzo, Crean and Rudolph voting "aye". Mr. Spiech "abstained".

**Dkt #08-003T**- Resolution granting a twelve (12) month extension of the Temporary Trailer Permit Approval for Harte/IHR Trading Corp., LP (owner) and Miglis General Contracting, (Contractor) on premises identified as Block 26, Lot 2, 1 International Blvd. for adoption.

A motion to adopt the resolution was made by Mr. Crean and seconded by Mr. DaPuzzo.  
Motion to waive the reading of the resolution was made by Mr. DaPuzzo, seconded by Mr. Crean.  
Roll call vote of eligible members showed the following: Messrs. DaPuzzo, Crean, Spiech and Rudolph voting "aye".

**Docket #492**- Resolution **granting** a Second one (1) year extension on the Final Site Plan and Soil Movement Permit Approval with Ancillary Variance and Waiver Relief for Cumberland Farms, Inc., 261 Rte. 17 North, Block. 59, Lot 17 for adoption.

A motion to adopt the resolution was made by Mr. Crean and seconded by Mr. DaPuzzo.  
Motion to waive the reading of the resolution was made by Mr. DaPuzzo, seconded by Mr. Crean.  
Roll call vote of eligible members showed the following: Messrs. DaPuzzo, Crean, Spiech and Rudolph voting "aye".

**OPEN TO THE PUBLIC – 15 MINUTES**

A motion to open the meeting to the public was made by Mr. DaPuzzo and seconded by Mr. Spiech.

A motion to close the meeting to the public was made by Mr. DaPuzzo, motion seconded by Mr. Spiech. All voted in favor.

**PUBLIC HEARINGS:**

**Dkt. #521**- Application of **George & Deborah Kayal, Bayval Corp. and Laurmark Corp.** for Preliminary and Final Major Subdivision Approval and Soil Movement Permit Application to subdivide the existing four (4) lots to create seven (7) new residential lots on property located at Wyckoff Avenue and Skytop Drive, known as Block 153, Lots 1, 2, 2.01 and 3 located in a Single Family Residential (R-40) Zone District. The application was carried from the May 18, 2009 meeting for the initial public hearing at the request of the applicant.

Mr. Robert J. Inglima, Jr., Attorney at Law represented the applicants with respect to their application for major subdivision approval, plat waiver, soil moving permit application for property located at Block 153, Lots 1, 2, 2.01 and 3. The subject properties are situated between Wyckoff Avenue on the west and Skytop Drive on the right and are located immediately south from the municipal boundary of Mahwah, Mahwah with Ramsey and referred to as the Fardale section of Mahwah.

He explained the plans filed show the proposed subdivision of what are now four existing lots to be subdivided into seven new lots. Each of the lots will conform to the zoning ordinance requirements for the R-40 Zone. Two lots will have frontage on Wyckoff Avenue. Five lots will have frontage on Skytop Drive, in the case of the northeast corner of the site. And a new street to be extended to the west from Skytop Drive where it has a 90 degree turn. It proceeds from Wyckoff Avenue north over Birch Road into Skytop Drive. It is sort of an elbow where the street abuts the Mahwah/Ramsey border.

Mr. Inglima stated the applicants have submitted previously the proof of notice of the application.

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He recalled from last month's meeting, there was a question raised with respect to notice by the Sherwood's who recently purchased property on Skytop Drive. Their name was not reflected in the tax duplicate of the Township of Mahwah. He decided it was in the best interest of the public and the Board to re-notify and ask for the matter to be carried to tonight's meeting. Since the last meeting, the applicant republished notice in the newspaper and re-notified all the property owners who were noticed previously and added the Sherwoods to the list of Mahwah property owners who received notice of tonight's hearing. All notice requirements were complied with at least ten days prior to the hearing.

Mr. Inglima acknowledged that Mr. John D'Anton an attorney from Mahwah was representing a number of residents of the area or who own properties in the area. Mr. D'Anton has identified them in a document handed out this evening and asked the board if that document should be marked into evidence. Mr. Scandariato responded that anything submitted to the board is considered to be part of the record.

Mr. Inglima asked Mr. D'Anton if he had any concerns with respect to the notices.

Mr. D'Anton had no objections to the applicant proceeding with the application.

Mr. Inglima began his presentation.

Mayor Martel had a question to the number of lots being subdivided.

Mr. Inglima stated there are four existing lots to be subdivided. He referred to Sheet C3 from the subdivision plan set that has been previously submitted to the Board as part of the application. The plan was prepared by McGowan Engineering dated January 22, 2009.

He continued describing the property which consisted of several lots that have frontage on Wyckoff Avenue and two lots that have frontage on Skytop Drive. Lot 1 is located in the northwest corner of the site. Lot 2 is a flag shaped lot that has minimal frontage on Wyckoff Avenue and extends back into the site and opens up in the middle of the property. Lot 3 is a large lot that has frontage on Skytop Drive and extends into the south central portion of the property. Lot 2.01 is a 25 foot wide lot that is located directly south from the common boundary of or border of Mahwah and Ramsey. This has been referred to as Division Place and also as a right-of-way. Lot 2.01 is actually property held privately by the applicants in fee ownership together with Lot 2. He added that Lots 2 and 2.01 are both owned by Bayval Corporation.

Mr. Kelly asked if the lots are in private ownership why is it designated as Division Place and was it ever a roadway?

To Mr. Inglima's knowledge, it has never been dedicated as a roadway. It is an unimproved strip of land with trees, rock walls and has never been formally dedicated, developed as a street or used as a right-of-way.

Mr. Kelly questioned why it was given the designation as Division Place?

Mr. Inglima explained it appeared to be an anecdotal reference that derives from some ancient deeds back when this property was all part of a farm. There are deeds that refer to the right of access to either Wyckoff Avenue or Skytop Drive using the right-of-way that is indicated as Division Place, on street maps and zone maps of the town. It has always been owned, in fee, by the owners of the property lying to the south, most currently by the owners of Lot 2. That property may or may not have rights of access by others.

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Since the ancient deeds were executed and recorded, there have been many changes to the area, layout of lots in the area to the extent that farming is no longer an activity that takes place in this area. There are no people using it for any kind of access other than the applicants, who are just using the land in an open fashion.

Mr. Kelly asked Mr. Inglima if he knew who it was giving the right of access to.

Mr. Inglima did not have the deeds with him. It was his understanding that there have been grants given to abutting property owners years ago. He was referring to a period of time back in the 1800's, early 1900's before many of the properties in the area have been subdivided and developed with residences. It was his understanding that the rights of access were merely for farming purposes.

Mr. Kelly asked Mr. Inglima if he could research that issue and provide the Board with more clarity at a future meeting.

Mr. Inglima agreed to do so.

(Mr. Sherer arrived at 7:20 p.m.)

Mr. Inglima continued explaining the applicants were proposing to create a new street that would be located along the north side of the property. There would be a cul-de-sac that comes in from Skytop Drive and opens up as a left turn cul-de-sac to provide access via Skytop Drive to interior lots that are proposed at the site. There would be a new lot designated as Lot 7 as indicated in the northeast corner of the site that would have frontage on both Skytop Drive and the new roadway. There are three other lots, Lots 5, 4 and 3 that would have access only on the new roadway. The other two lots referred to earlier, would have access from Wyckoff Avenue, located in the north, northwest and southwest corners of the site.

Currently there are homes developed on several of these lots. The applicant's intention is to retain the house that is located on what will be Lot 1. The house that is located very close to Wyckoff Avenue on Lot 2 will be removed in the course of development. A new house will be constructed on new Lot 2 farther to the south and east from the present location. A total of six new homes will be constructed at this site, Lots 2 through 7. The subdivision plans indicate that all of the lots will be designed to conform to the zoning ordinance. All the homes that will be constructed, as stipulated by the applicant, will be single family homes in conformity with the ordinance.

Mr. Inglima identified the waivers being requested with this application from the requirements of the Residential Site Improvement Standards. The types of waivers will be discussed by the applicant's site engineer, relating to turn radii and offsets between opposing streets at an intersection.

Mr. Inglima stated his first witness will be Mr. John Diaz, a professional land surveyor. The board will hear testimony from Mr. George Kayal one of the owners of existing Lot 1. Mr. Kayal is also the president of Bayval Corporation which owns Lots 2 and 2.01 and he is also the president of Laurmark corporation which owns Lot 3. Mr. Kayal will testify to the applicant's plans for development of the property and how they plan to use and design the subdivision for use primarily by members of the Kayal family in the future.

The applicant will also submit testimony by Mr. Michael McGowan, a professional engineer with McGowan Engineering regarding the subdivision plat design, the waivers being requested, the standards for approval of the subdivision plat, drainage and soil moving issues relating to the application.

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The last witness will be Peter Steck, a licensed professional planner who will testify at a subsequent date to the planning considerations involved in the granting of a subdivision approval and waivers for this application.

Mr. Spiech asked who the owners were of Lots 4, 5 and 6. Mr. Inglima responded those are the new lots which are now part of Lot 3 owned by Laurmark Corporation. A portion of those lots intrude on the parcel known as Lot 2 which is owned by Bayval Corporation.

Mr. Inglima proceeded to call his first witness, Mr. John Diaz, who was duly sworn in. After stating his professional and educational background, the board accepted Mr. Diaz as an expert in the area of land surveying.

Mr. Inglima had the Resume of John G. Diaz, P.L.S. marked as Exhibit A-1.

Mr. Diaz testified he was retained by the applicants to prepare a survey in support of their proposed development and subdivision application. He explained what is involved in preparing a survey. He continued describing for the board the survey that he prepared with respect to the applicant's property in connection with the subdivision application.

Mr. Inglima clarified for the record that the survey was filed with the entire set of plans. The following documents were marked into evidence:

<b>Exhibit A-2 Survey of Tax Map, Block 153 Lots 1,2,2.02 &amp; 3</b>	<b>6/8/09</b>
<b>Exhibit A-3 Copy of Exhibit A-2 / Mounted of Display Board</b>	<b>6/8/09</b>

Mr. Diaz confirmed that both Exhibits A-2 and A-3 represent the conditions of the property that he had surveyed in connection with this application. He stated that the location of the municipal boundary between the Township of Mahwah and the Borough of Ramsey are indicated on both exhibits. He also pointed out that the plan indicated the dimensions and location of Lot 2.01, Block 153, referenced as Division Place on the Township's tax map.

Mr. Inglima had no further questions for Mr. Diaz.

There were no questions from the board on the witness's testimony.

Chairman Ross asked if anyone in the audience had any questions for the witness.

Mr. John D'Anton, attorney at law cross-examined Mr. Diaz on his testimony.

Mr. John Marelic, 556 Wyckoff Avenue asked if there is an easement planned to go from Wyckoff into Skytop Drive for the proposed subdivision.

Mr. Inglima asked that Mr. Marelic's question be reserved for Mr. McGowan to answer.

Mr. John Owsik, 19 Sycamore Court, Ramsey, asked if the documents being discussed are available to the public.

Mr. Scandariato asked Mr. Inglima to provide a set of the documents referenced on the survey to the Administrative Officer for public inspection.

Mr. DaPuzzo asked Mr. Diaz if he had seen any documents that explain that easement or Division Place to his knowledge that showed rights to anybody.

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Mr. Diaz could not recall if it describes the rights provided.

Mr. Kelly had asked the applicant's attorney at the beginning of the proceedings to provide the board with some more information as far as how long the dedication would have been or give more detail on that easement. He felt more information was needed.

Mr. Inglima called on the applicant, Mr. George Kayal to testify. Mr. Kayal was duly sworn in and gave his address as 599 Wyckoff Avenue, Mahwah. He testified he was one of the applicants and the owner of Lot 1. Lot 1 is the existing lot that is located in the northwest corner of the site. Mr. Kayal gave a brief history of the property that has been in his family for 40 years.

Mr. Inglima continued his direct examination of the applicant. Mr. Kayal explained to the board his intentions as far as the construction of new homes on proposed Lots 2 through 7.

At this point, Mr. Inglima asked to have a number of photographs introduced into evidence that the applicant will describe for the board. He prepared a list, based upon Mr. Kayal's descriptions of the photographs, setting forth the identification number of each photograph as well as the description of what each one of them shows. Proof sheets showing the photographs to be described by Mr. Kayal were handed out to both the board members and the public so they could follow along.

<b><u>Exhibit</u></b>	<b><u>Description</u></b>	<b><u>Date</u></b>
<b>A-4</b>	<b>CD-ROM containing Adobe PDF images of Exhibits A-6 through A-34 and A-36 through A-38</b>	<b>6/8/09</b>
<b>A-5</b>	<b>Proof Sheets (2 pages) containing images of Photo Exhibits P-1a through P-31b, inclusive</b>	<b>6/8/09</b>
<b>A-6</b>	<b>List of photographic Exhibits P-1a through P-31b (4 pages)</b>	<b>6/8/09</b>
<b>A-7</b>	<b>Photo Exhibit <u>P-1a</u>, View to the north from intersection of Wyckoff Ave. and Sycamore Court, Ramsey</b>	<b>6/8/09</b>
<b>A-7</b>	<b>Photo Exhibit <u>P-1b</u>, View to the south from intersection of Wyckoff Ave. and Sycamore Court, Ramsey</b>	<b>6/8/09</b>
<b>A-8</b>	<b>Photo Exhibit P-2, View of Block 3509, Lot 22.03, Ramsey From Sycamore Court</b>	<b>6/8/09</b>
<b>A-9</b>	<b>Photo Exhibit P-3, View to south from Sycamore Court, Ramsey (adjacent to Block 3509, Lot 22.03)</b>	<b>6/8/09</b>
<b>A-10</b>	<b>Photo Exhibit P-4, View to southeast from Sycamore Court, Ramsey (Adjacent to Block 3509, Lot 22.03)</b>	<b>6/8/09</b>
<b>A-11</b>	<b>Photo Exhibit P-5, View of Block 3509, Lot 22.04, Ramsey from Sycamore Court</b>	<b>6/8/09</b>
<b>A-12</b>	<b>Photo Exhibit P-6, View of Block 3509, Lot 22.05, Ramsey from Sycamore Court</b>	<b>6/8/09</b>
<b>A-13</b>	<b>Photo Exhibit P-7, View of Block 3509, Lot 22.06, Ramsey From Sycamore Court</b>	<b>6/8/09</b>

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<b>A-14</b>	<b>Photo Exhibit P-8, View of Block 3509, Lot 22.06, Ramsey from Sycamore Court</b>	<b>6/8/09</b>
<b>A-15</b>	<b>Photo Exhibit <u>P-9a</u>, View to the southwest from intersection of Clarana Street &amp; Schierloh Court, Ramsey</b>	<b>6/8/09</b>
<b>A-15</b>	<b>Photo Exhibit <u>P-9b</u>, View to the west from intersection of Clarana Street &amp; Schierloh Court, Ramsey</b>	<b>6/8/09</b>
<b>A-16</b>	<b>Photo Exhibit <u>P-10a</u>, View to the southeast from intersection Of Clarana Street &amp; Schierloh Court, Ramsey</b>	<b>6/8/09</b>
<b>A-16</b>	<b>Photo Exhibit <u>P-10b</u>, View to the north from intersection Of Clarana Street &amp; Skytop Drive</b>	<b>6/8/09</b>
<b>A-17</b>	<b>Photo Exhibit <u>P-11a</u>, View of north side of Skytop Drive west from intersection with Clarana Street</b>	<b>6/8/09</b>
<b>A-17</b>	<b>Photo Exhibit <u>P-11b</u>, View of south side of Skytop Drive, west from intersection with Clarana Street</b>	<b>6/8/09</b>
<b>A-18</b>	<b>Photo Exhibit P-12, View of Block 3509, Lot 15, Ramsey From Skytop Drive</b>	<b>6/8/09</b>
<b>A-19</b>	<b>Photo Exhibit P-13, View of Block 3509, Lot 16, Ramsey from Skytop Drive</b>	<b>6/8/09</b>
<b>A-20</b>	<b>Photo Exhibit <u>P-14a</u>, View to the southwest along Skytop Drive from Ramsey-Mahwah border</b>	<b>6/8/09</b>
<b>A-20</b>	<b>Photo Exhibit <u>P-14b</u>, View to the southeast along Skytop Drive</b>	<b>6/8/09</b>
<b>A-21</b>	<b>Photo Exhibit <u>P-15a</u>, View to east along Skytop Drive from proposed street intersection</b>	<b>6/8/09</b>
<b>A-21</b>	<b>Photo Exhibit <u>P-15b</u>, View to west along Skytop Drive from Ramsey-Mahwah border (adjacent to Block 154 Lot 10, Mahwah)</b>	<b>6/8/09</b>
<b>A-22</b>	<b>Photo Exhibit <u>P-16a</u>, View toward proposed street intersection from Skytop Drive (adjacent to Block 154, Lot 9, Mahwah</b>	<b>6/8/09</b>
<b>A-22</b>	<b>Photo Exhibit <u>P-16b</u>, View toward proposed street Intersection from Skytop Drive (adjacent to Block 154, Lot 8, Mahwah)</b>	<b>6/8/09</b>
<b>A-23</b>	<b>Photo Exhibit P-17, View to southwest along site frontage on Skytop Dive (adjacent to Block 154, Lot 9, Mahwah</b>	<b>6/8/09</b>
<b>A-24</b>	<b>Photo Exhibit P-18, View to north along site frontage on Skytop Drive (adjacent to Block 154, Lot 7, Mahwah</b>	<b>6/8/09</b>

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| A-25 | Photo Exhibit <u>P-19a</u> , View to the north east side of Skytop Drive, Mahwah (adjacent to Block 154, Lot 7, Mahwah      | 6/8/09 |
| A-25 | Photo Exhibit <u>P-19b</u> , View to the south along east side of Skytop Drive, Mahwah (adjacent to Block 154 Lot 7, Mahwah | 6/8/09 |
| A-26 | Photo Exhibit <u>P-20</u> , View to the south along west side of Skytop Drive, Mahwah (adjacent to Block 153, Lot 4, Mahwah | 6/8/09 |
| A-27 | Photo Exhibit <u>P-21a</u> , View to the south from intersection of Wyckoff Ave. & Birch Road, Mahwah                       | 6/8/09 |
| A-27 | Photo Exhibit <u>P-21b</u> , View to the north from intersection of Wyckoff Ave. & Birch Road, Mahwah                       | 6/8/09 |
| A-28 | Photo Exhibit <u>P-22a</u> , View to the south from intersection of Wyckoff Ave. & Parsloe Court                            | 6/8/09 |
| A-28 | Photo Exhibit <u>P-22b</u> , View to the north from intersection of Wyckoff Ave. & Parsloe Court                            | 6/8/09 |
| A-29 | Photo Exhibit <u>P-23</u> , View of Block 153, Lot 21.04, Mahwah from Parsloe Court   | 6/8/09 |
| A-30 | Photo Exhibit <u>P-24</u> , View of Block 153, Lot 21.03, Mahwah from Parsloe Court   | 6/8/09 |
| A-31 | Photo Exhibit <u>P-25</u> , View of Block 153, Lot 21.02, Mahwah from Parsloe Court   | 6/8/09 |
| A-32 | Photo Exhibit <u>P-26a</u> , View of Site (Block 153, Lot 3) from Southeast corner of Block 152, Lot 20, Mahwah             | 6/8/09 |
| A-32 | Photo Exhibit <u>P-26b</u> , View of Site (Block 153, Lot 2), from Northeast corner of Block 152, Lot 20, Mahwah            | 6/8/09 |
| A-33 | Photo Exhibit <u>P-27a</u> , View of Site (Block 153, Lots 1 & 2.01) from east end of Crescent Ave., Mahwah                 | 6/8/09 |
| A-33 | Photo Exhibit <u>P-27b</u> , View of Site (Block 153, Lots 1 & 2) from east end of Crescent Ave., Mahwah                    | 6/8/09 |
| A-34 | Photo Exhibit <u>P-28a</u> , View to the northeast from intersection Of Wyckoff Ave. & Crescent Ave.                        | 6/8/09 |
| A-34 | Photo Exhibit <u>P-28b</u> , View to the southwest from intersection Of Wyckoff Ave. & Crescent Ave.                        | 6/8/09 |
| A-35 | Sheet containing specifications of photographic equipment Used to produce Photo Exhibits P-1a through P-28b                 | 6/8/09 |
| A-36 | Photo Exhibit <u>P-29a</u> , Example of possible home design for for site development                                       | 6/8/09 |



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<b>A-36</b>	<b>Photo Exhibit <u>P-29b</u>, Example of possible home design for site development</b>	<b>6/8/09</b>
<b>A-37</b>	<b>Photo Exhibit <u>P-30a</u>, Example of possible home design for site development</b>	<b>6/8/09</b>
<b>A-37</b>	<b>Photo Exhibit <u>P-30b</u>, Example of possible home design for site development</b>	<b>6/8/09</b>
<b>A-38</b>	<b>Photo Exhibit <u>P-31a</u>, Example of possible home design for site development</b>	<b>6/8/09</b>
<b>A-38</b>	<b>Photo Exhibit <u>P-31b</u>, Example of possible home design for site development</b>	<b>6/8/09</b>
<b>A-39</b>	<b>Binder containing Exhibits A-6 through A-38, inclusive</b>	<b>6/8/09</b>
<b>A-41</b>	<b>Plan Sheet C-5, entitled “Soil Erosion control &amp; Tree Removal Plan, Kayal Subdivision, Block 153 Lots 1,2, 2.01 &amp; 3, Prepared by McGowan Eng., dated Jan. 22, 2009 (mounted to display board)</b>	<b>6/8/09</b>
<b>A-42</b>	<b>Plan Sheet C-1, entitled “Cover Sheet, Prepared by McGowan Eng. , dated Jan. 22, 2009 (mounted to display board)</b>	<b>6/8/09</b>
<b>A-43</b>	<b>Plan Sheet C-2, entitled “Existing Conditions Plan, Prepared by McGowan Eng., dated Jan. 22, 2009 (mounted to display Board)</b>	<b>6/8/09</b>
<b>A-44</b>	<b>Plan Sheet C-4, entitled Grading &amp; Utility Plan, prepared by McGowan Eng., dated Jan. 22, 2009(mounted to display board)</b>	<b>6/8/09</b>
<b>A-45</b>	<b>Chain of Title for Block 153 Lot 2, (First Bergen Title Agency, L.L.C.) dated July 8, 2009 submitted by Robert J. Inglima, Jr., Esq.</b>	<b>6/13/09</b>

At this point, Mr. Kayal continued testifying that he intended to reside at the site after it's been subdivided. His family has lived in Mahwah for 40 years. They all agreed that this was the right opportunity to go ahead with the project. Mr. Kayal worked with the project engineer, Mr. McGowan with respect to the lot layout and development plan for the subdivision to minimize the number of variances or other non-conformities that might be created by this subdivision. It was his belief that the proposed design would permit the use of the property for single family homes, particularly for their own personal use.

Mr. Inglima represented to the board that there are several photographs of homes outside of the 200 foot radius, to show what would be constructed blends in with the surrounding area that already exists. The pictures were taken to get more of a perspective of the geographical area, roadways and intersections and will be used as a foundation for other witness's testimony.

Mr. Kelly asked the applicant if he intended to sell off the lots or plan to utilize them for the members of his family. Mr. Kayal responded there would be a minimum of four family members living on the development.

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Mr. Burgis stated it was his understanding that the applicant was proposing to construct 3,500 or so square foot homes. He wanted to make the board aware that the ordinance permitted a building footprint on a 40,000 S.F. lot as much as 6,000 S.F. footprint. Mr. Burgis asked the applicant if he would be willing to have a restriction indicating that the homes would not be larger than a certain size.

Mr. Kayal did not feel a restriction would be necessary in regard to the size of the homes.

Mr. D'Anton's cross-examination of the witness followed. He asked that Mr. McGowan's plan be marked for the record.

The following plans were identified for the record.

**Exhibit- A-40 Plan Sheet C-3, entitled "Subdivision Plan, Kayal Subdivision 6/8/09 Block 153 Lots 1,2, 2.01 & 3, Prepared by McGowan Eng., Dated Jan. 22, 2009 (mounted to display board)**

**Exhibit -A-41 Plan Sheet C-5, entitled "Soil Erosion control & Tree Removal 6/8/09 Plan, Kayal Subdivision, Block 153 Lots 1,2, 2.01 & 3, Prepared by McGowan Eng., dated Jan. 22, 2009 (mounted to display board)**

Mr. D'Anton had no further questions for the applicant.

Chairman Ross asked if the public had any questions for the witness. There were no questions from the public.

Chairman Ross announced the meeting would break at 9:30 P.M. this evening.

Mr. Inglima called his next witness, Mr. Michael McGowan, a licensed professional engineer in the State of New Jersey. Mr. McGowan having been duly sworn was offered as an expert witness. The Board recognized Mr. McGowan as an expert in the field of engineering and accepted his qualifications.

Mr. D'Anton stated he had no objections.

Mr. Inglima indicated the applicant would be submitting testimony by Mr. Peter Steck, a licensed professional planner with respect to professional planning issues.

Mr. McGowan began his testimony by describing the plans that were displayed on the easel marked as Exhibit A-42, Exhibit A-43 and Exhibit A-44.

**Exhibit-A-42 Plan Sheet C-1, entitled "Cover Sheet, Prepared by McGowan 6/8/09 Eng. , dated Jan. 22, 2009 (mounted to display board)**

**Exhibit-A-43 Plan Sheet C-2, entitled "Existing Conditions Plan, Prepared 6/8/09 by McGowan Eng., dated Jan. 22, 2009 (mounted to display Board)**

**Exhibit-A-44 Plan Sheet C-4, entitled Grading & Utility Plan, prepared by 6/8/09 McGowan Eng., dated Jan. 22, 2009(mounted to display board)**

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He reiterated the previous testimony by the applicant regarding the location of the property and briefly described the existing conditions of the site. The plan is based upon the survey that was prepared by Diaz Landscaping.

Mr. McGowan gave an overview of the existing property. He stated there were approximately 844 trees on the property right now. There are two existing structures that front on Wyckoff Avenue. The residential dwelling located on Lot 1 is proposed to remain. The second structure referred to as a cottage will be removed along with the detached garage behind it. Another structure further south is another detached garage that serves an off-site piece of property. That garage would be removed as part of the proposed subdivision.

He continued describing the proposed layout of the lots as shown on the subdivision plan, Sheet C3. The applicant was proposing seven new lots, the elimination of existing lot lines and seven proposed lots. A cul-de-sac street coming off of Skytop Drive that would run along the northern property line. There will be five properties that front on the cul-de-sac. Mr. McGowan acknowledged that all of the lot sizes conform to the zoning ordinance requirements for the R-40 Zone. Each of the lots also met the width and depth requirement.

Mr. McGowan discussed the difference between the municipal standard and the RSIS standards relating to the width of the street right-of-way and the diameter for the cul-de-sac. The applicant was able to accommodate both of those standards. He proceeded to describe the layout of improvements that are proposed in connection with the street. The board's attention was directed to Sheet C4 which is the grading and utility plan.

The cul-de-sac is approximately 675 feet long and within the 50 foot right-of-way. They have the required 28 foot cart way width. Proposed is a Belgian block curbed street. The contouring of the road is matched to the contouring of the property to the extent they could do that. The improvements were designed as shown on the grading and utility plan to be fairly complementary to the existing conditions and to match the existing topography.

Mr. McGowan stated that as required, they have shown on the plan what would be a typical home to show grading and driveways. He noted that under the township requirements the applicant would have to come back to the board for further review and approval of the proposed lot designs.

Mr. McGowan explained that the drainage patterns as it exists now, tend to drain from the middle of the property out to Wyckoff Avenue as well as from the middle of the property out towards the Skytop, heading east. He gave a quick overview of the proposed drainage system. They are required to provide a certain amount of ground water recharge, which the DEP has a spread sheet calculation system that is described in the drainage report. That report shows they will meet the required ground water recharge.

Mr. DaPuzzo followed up with questions for Mr. McGowan on street lighting. He stated his concerns with the placement of the street. He thought they would be creating a hardship for all of the home owners that are on the northern side, because it now gives them two front yard setbacks. He asked who would be responsible for the maintenance of the drainage facilities.

Mr. Inglima indicated they would have answers to Mr. DaPuzzo's questions prior to the conclusion of this hearing. The plan may undergo some revisions in response to all concerns to the extent the applicant can accommodate them. He explained what dictated this design was to take advantage of the existing conditions of the property, to have a development that his clients felt was something that they could develop for their own use, to create a reasonable number of lots, to have a conforming development, to avoid variances.

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Mr. Crean asked if they were going to use the same driveway for Lot 2 or would Lot 2 get a new driveway. Mr. McGowan stated Lot 2 would get a new driveway. He pointed out that the two existing driveway curb cuts that come onto Wyckoff Avenue would remain. There would be no new driveways coming out onto Wyckoff Avenue.

Mr. Kelly stated the application will require Bergen County Planning Board approval.

Mr. Inglima continued with his direct examination of Mr. McGowan. Mr. McGowan described the location of the swales and the pipes that would be storing the water below grades. He pointed out there would be an easement surrounding those areas. They will meet the applicable standard with respect to the County as well with respect to the storm water. Each lot will have to go through the design and review process.

Mr. Kelly asked Mr. McGowan if he could provide the required sight triangle easements in accordance with RSIS? Also, provide the board with a breakdown of the number of trees to be removed for the subdivision improvements along with the proposed number of trees to be removed for each individual lot. The Environmental Commission likes to see, based on the conceptual plans, the anticipated number of trees that are proposed to be removed. Mr. McGowan agreed to provide that information to the board.

Mr. DaPuzzo asked if the soil movement application is for the entire site. Mr. Kelly stated it is for the entire site and also for the individual lots. The board would be approving the development plan of the individual lots as depicted on the plans. Mr. Kelly explained that when the applicant comes in with the proposed development for each lot, he makes sure that the plot plan closely represents what was depicted at the hearing. If the applicant makes a major modification from what is now, then he would recommend that the applicant come back before the board for soil movement approval.

The Board asked Mr. D'Anton to hold any questions he had until the next meeting.

At this point, Chairman Ross announced it was 9:30 P.M. The public hearing on this application will continue at the next regular meeting of the Planning Board on Monday, July 13, 2009 without further notice.

**WORK SESSION**

**OLD BUSINESS**- None to present

**NEW BUSINESS**

Chairman Ross announced the 2009 Planning Board Re-Organization Meeting date is set for Monday, July 13, 2009 at 7:00 P.M.

The Board adopted the 2009-2010 Planning Board Meeting Date Schedule.

Chairman Ross announced the June 22, 2009 Planning Board meeting is cancelled.

There being no further business, a motion to adjourn was made by Mr. DaPuzzo, seconded by Mr. Crean. The meeting was adjourned at 9:35 P.M. All voted in favor.

Respectfully submitted,

Patricia A. Puorro  
Administrative Officer

