

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR/WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, JANUARY 8, 2018, 2017 AT 7:30 P.M.**

I. CHAIRMAN'S OPENING STATEMENT 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 7:35 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.

II. ROLL CALL

The following individuals were present:

Mayor Laforet (in at 7:43 pm)

Mr. Donigian

Mr. Lo Iacono

Mr. Sherer

Mr. Van Duren

Ms. Steinberg

** Mr. Crean, Mr. Ervin (out at 7:43 pm), Mr. Howard and Ms. Galow were all in attendance although were ineligible to be part of the Board's quorum.

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

The following individuals were absent:

Mr. Grewal

III. APPROVAL OF BILLS:

| | | | |
|-------------------------|-----------|--------------------|-----------|
| Peter Scandariato, Esq. | 12/18/17 | Meeting Attendance | \$ 250.00 |
| Phillips Nizer, LLP | Oct. 2017 | General | \$ 49.50 |

Motion to approve the bills was made by Mr. Donigian and seconded by Mr. Van Duren. A roll call of members present revealed 5 aye votes by Mr. Donigian, Mr. Lo Iacono, Mr. Sherer, Mr. Van Duren and Ms. Steinberg.

IV. APPROVAL OF MINUTES: None to present.

V. RESOLUTION FOR MEMORIALIZATION:

1. Docket #585, Anna Jahn Trust

16 Jahn Court, Block 152, Lot 69.01, Minor Subdivision Application, Resolution of Approval

Motion to approve the resolution. with two minor revisions per Mr. Scandariato, Esq., was made by Mr. Van Duren and seconded by Ms. Steinberg. A roll call of members present revealed 4 aye votes by Mr. Lo Iacono, Mr. Sherer, Mr. Van Duren and Ms. Steinberg.

2. Docket #590 – Mahwah Board of Education

50 Ridge Road, Block 135, Lot 41, Review of plan for proposed Industrial Arts Building, Resolution of Receipt and Acceptance of Plans

Motion to approve the resolution was made by Mr. Van Duren and seconded by Mr. Lo Iacono. A roll call of members present revealed 4 aye votes by Mr. Lo Iacono, Mr. Sherer, Mr. Van Duren and Ms. Steinberg.

VI. OPEN TO THE PUBLIC – 15 MINUTES

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

Mr. John Fesen, 20 Falcon Court, approached. Mr. Fesen is a concerned citizen and mentioned a prior discussion between Mr. Sherer and Mr. Kelly regarding rules and regulations. Mr. Fesen mentioned the address of 3 Springhill Terrace regarding a presentation before the Board of Adjustment in Chestnut Ridge, NY on December 18, 2017. Mr. Fesen stated a home was purchased with extra property on the side and a permit was granted for a three-car garage. There were resident complaints that a synagogue was created at this location. He is concerned and worried that something like this can happen in Mahwah. He would like to send the link of the video of the presentation to the Board Members. There was a short discussion on accessory structure requirements. Mr. Kelly indicated that in Mahwah, accessory structures would need to meet setback and coverage requirements. Houses of Worship would also need site plan approval which would address parking, lighting, etc., and have specific criteria that needs to be met. Mr. Sherer understands Mr. Fesen's concern and believes the Township of Mahwah's departments are highly qualified. Mr. Sherer indicated he will view the video and route it as appropriate.

Mr. Fesen presented a document he prepared listing the Planning Board Members and Support Staff and mentioned there are sections of the Township Website that are outdated. He will provide the referenced section and Mr. Kelly will review.

A motion to close the meeting to the public was made by Mr. Van Duren, seconded by Mr. Donigian and declared unanimously carried by Mr. Sherer.

VII. PUBLIC HEARING: None to present.

VIII. WORK SESSION:

A) NEW BUSINESS:

1. Docket #586 – Greg Della Penna

28 Turners Lake Drive, Block 156, Lot 8, Minor Subdivision Application

Mr. Stuart Strow of Brooker Engineering and Mr. Greg Della Penna of 28 Turners Lake Drive approached. The Applicant is proposing a minor subdivision to create one new lot for a future single-family dwelling. The property is eight acres and has a pond. Due to the configuration of the lot, a few waivers and variances will be required.

Mr. Sherer questioned the proposed driveway access. Mr. Kelly indicated an access easement would be needed where the driveway splits for the new lot. Mr. Kelly mentioned the following variances would be required: minimum lot frontage and frontage upon an approved street. Several waivers were noted as: plans need to be prepared by a licensed surveyor, structures within 200 feet and depiction of tax map sheet on plan. Per Mr. Strow, revised plans were resubmitted and the tax map sheet will be provided. Mr. Kelly is agreeable to the waiver for structures within 200 feet. Upon questioning by Mr. Kelly, Mr. Strow indicated the decking shown on the plans is proposed to be removed.

Mr. Kelly questioned wells and water service. Mr. Strow noted there is one existing well which serves the existing dwelling. The Applicant proposes to use that existing well for the new dwelling. A new well will be drilled to be utilized by the existing dwelling. Deeds were discussed. Mr. Strow confirmed that the Applicant will address all of the Boswell Engineering's report comments. The access easement was discussed. Mr. Kelly requested the access easement be submitted to Boswell Engineering for review prior to filing. Mr. Strow will provide information regarding any existing easements and the like. Mr. Kelly would like to ensure that if the application is approved, there is a notation within the resolution that the approval is not guaranteeing that the new lot is buildable. Upon questioning by Mayor Laforet, Mr. Strow approached to describe/show the driveway access on the plans.

Ms. Lawlor asked that the existing lot dimensions be added to the Bulk Table on the plan and questioned access to the site, the existing deck and shed. Mr. Strow will amend the Bulk Table. He indicated the deck and shed are proposed to be removed and amend the plans accordingly. Upon questioning by Mr. Lo Iacono regarding frontage, a discussion ensued regarding the Turners Lake Drive dead end, the Right of Way and the driveways. Septic, lake setbacks, wetland and riparian buffers were all discussed.

Mr. Donigian questioned the need for Public Notice as there are variances being requested. Per Mr. Scandariato, although notice is not required for a Minor Subdivision Application, notice should have been submitted due to the required variance conditions. The Applicant will need to provide proper notice. Scheduling was discussed and this application will be carried as a Public Hearing item on the February 26, 2018 Planning Board Agenda.

2. Docket #579 – Daniel J. Barteluca

179 Island Road, Block 61, Lots 55 & 56, Minor Subdivision Application

Mr. James Jaworski, of Wells, Jaworski & Liebman, LLP, approached on behalf of the Applicant. This application is for a minor subdivision without any variances being requested. The application is to re-subdivide the two lots. Mr. Jaworski provided background of the property. The applicant would like to move the lot line 30 feet to the south to create two lots of similar size. The property has been in the family since the 1940's. The Right of Way goes across Island Road.

Mr. Jaworski called Mr. Thomas Stearns of GB Engineering, LLC. Mr. Stearns is a licensed land surveyor and professional engineer. Mr. Stearns described the topography, the retaining walls, grading, slopes, site lines and the ability to build. Mr. Kelly mentioned the waiver required for topography within 200 feet. Upon questioning by Mr. Kelly, Mr. Stearns described the sanitary sewer for the existing and proposed dwelling. Prepared deeds will be submitted to Mr. Scandariato and Mr. Kelly for review before filing. Mr. Kelly indicated County approval will be required for this minor subdivision. He also requested if the application is approved, the resolution indicate that the approval is not confirming the site is a buildable lot.

Motion to approve the application was made by Mr. Lo Iacono and seconded by Ms. Steinberg. A roll call of members present revealed 6 aye votes by Mayor Laforet, Mr. Donigian, Mr. Lo Iacono, Mr. Sherer, Mr. Van Duren and Ms. Steinberg.

NOTE: Mr. Kelly addressed the Board stating there have been a number of changes in the Township's Planning and Zoning Department. Mr. Kelly has been acting as the part-time Director of the Land Use Department for approximately four years and it has been his honor to do so. At this time, Ms. Geraldine Entrup has been appointed to be the full-time Director of the Land Use Department. There will also be changes with the Board of Adjustment and Planning Board's recording secretary positions to keep the positions filled with personnel from within the Planning and Zoning Department. Mayor Laforet congratulated Ms. Entrup and mentioned that she has obtained the certificates, the training, the classes and the experience to fulfill the position. Ms. Entrup looks forward to the opportunity.

B) OLD BUSINESS

C) COMMITTEE REPORTS

IX. ADJOURNMENT

Motion to adjourn the meeting at 8:34 p.m. was made by Mr. Donigian, seconded by Mr. Van Duren and declared unanimously carried by Mr. Sherer.

These minutes were prepared by Geraldine Entrup, Administrative Officer. The minutes were provided to the Planning Board on February 9, 2018 for approval at the Regular Meeting to be held February 12, 2018.