

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR/WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, OCTOBER 10, 2016 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 7:32 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 7:39 p.m.)

Mr. Bagatelle

Mr. Crean

Mr. Donigian

Mr. Marcus

Mr. Sbarra

Mr. Van Duren

Mr. Howard

Mr. Lo Iacono

Professionals: Peter J. Scandariato, Esq., Michael Kelly, P.E., David Roberts, P.P.

The following individuals were absent:

Mr. Sherer

Mr. Weixeldorfer

II. APPROVAL OF BILLS:

Peter Scandariato	09/12/16	Meeting Attendance	\$250.00
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Motion to approve the bills was made by Mr. Marcus and seconded by Mr. Howard. A roll call of members present revealed 8 aye votes by Mr. Bagatelle, Mr. Crean, Mr. Donigian, Mr. Marcus, Mr. Sbarra, Mr. Van Duren, Mr. Howard, and Mr. Lo Iacono.

III. APPROVAL OF MINUTES: None to present.

IV. RESOLUTIONS 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. Marcus, seconded by Mr. Bagatelle and declared unanimously carried by Mr. Crean.

VI. PUBLIC HEARING:

1. Docket #576 – Medco Health Services, Inc.

Parsons Pond Drive & Wyckoff Avenue, block 170, Lots 10 & 11; Block 180, Lots 1 & 2
Minor Subdivision Application

Mr. Antimo A. Del Vecchio, Esq., of Beattie Padovano, LLC approached on behalf of the Applicant. Mr. Del Vecchio described the application as a Minor Subdivision which will create two lots out of several existing parcels. The subject lots are currently vacant with the exception of the roadways at the intersection of Parsons Pond Drive and Wyckoff Avenue. Mr. Del Vecchio described the history of the lots, including land that was erroneously donated to Bergen County. He described the two new lots as proposed Lot A and Lot B. Proposed Lot B is the smaller lot and is encumbered with several constraints and will be undevelopable. Proposed Lot A will be the larger lot which includes a portion of Parsons Pond Drive with an easement to be granted to Franklin Lakes for access to the parkland and to the Medco Health Services office building. Mr. Del Vecchio stated the application is fully conforming and no variances are being requested.

Mr. Del Vecchio presented a large booklet, to be marked as Exhibit A-1, which included notice documents sent to Mahwah, Wyckoff and Franklin Lakes' residents and Township Clerks. At this time, Mr. Scandariato advised he was in the process of reviewing and the booklet will be marked subject to his review.

Mr. Del Vecchio called Mr. Steven Napolitano of SNS Architects & Engineers, 1 Paragon Drive, Montvale, NJ. Mr. Napolitano was sworn in by Mr. Scandariato and has appeared before the Board on several occasions and was accepted as an expert Professional Engineer. Mr. Napolitano described the plans submitted with the application entitled, "Proposed Minor Subdivision," consisting of two sheets presented on poster board. No changes are proposed to Parsons Pond Drive and the road will continue to be maintained by the Applicant. The existing and proposed lots were described as changing from four lots to two lots. Proposed Lot B, the smaller lot, is constrained with a flood hazard area line, wetlands, wetlands buffers and a riparian zone. The lot will be an undevelopable piece of property. Proposed Lot A, the larger lot, is also constrained with a flood hazard area line, wetlands, wetland buffers and a riparian zone; although approximately 1.75 – 2 acres of property could be developed. This area was depicted on the poster board map.

Mr. Del Vecchio referred to Boswell Engineering's October 5, 2016 report and upon questioning by Mr. Kelly, indicated all comments can be adhered to. Mr. Kelly noted his concern of creating an unbuildable lot and the potential of the Applicant to request a tax exemption. Mr. Del Vecchio indicated this could be a condition of approval. Mr. Del Vecchio continued confirming it is the Applicant that has requested the creation of an unbuildable lot and that the condition was

not created by the Township of Mahwah or the Planning Board. There was a discussion on the right of way, the road and the current Zone boundary as noted in Mr. Kelly's report, Item #16. Upon questioning by Mr. Roberts, Mr. Del Vecchio indicated a Highlands Consistency Determination Application is to be submitted to the Township within the next 1-2 weeks.

There were no further questions for Mr. Napolitano from the Board or professionals. A motion to open the meeting to the public was made by Mr. Marcus, seconded by Mr. Van Duren and declared unanimously carried by Mr. Crean.

Dr. Scott Bruder of 268 Glen Place, Franklin Lakes, approached. Mr. Bruder questioned what the future intention is and what is permitted on proposed Lot A. Mr. Del Vecchio noted there are no development thoughts at this time, although a commercial building could be built in the future. The Zone is GI-80. Mr. Roberts looked up the GI-80 Zone in the Township Code, which also refers to the IP-120 Zone. Mr. Roberts gave several examples of permitted uses such as research laboratories, assembly operations and certain types of manufacturing operations. Dr. Bruder stated at one time, there was limited access to the area by Medco employees only; but the access has become a cut-through. He has a safety concern as part of the area is a public park with people walking and animals in the area. Adding a building to the property would create more of a safety issue. There was a discussion on the maintenance of the road within Franklin Lakes, the private portion and the existing speed bumps. Per Mr. Del Vecchio, the roadway on proposed Lot A will remain a private drive, but Franklin Lakes will have an easement to the park. A long discussion ensued on what could be and who could enforce safety issues on a private road. Dr. Bruder noted he has previously contacted the Franklin Lakes Police and Medco directly for enforcement. Mayor Laforet suggested that Dr. Bruder go to the Franklin Lakes Township Council to address his concerns on enforcement and safety.

With no one else wishing to be heard, a motion to close the meeting to the public was made by Mr. Marcus, seconded by Mr. Bagatelle and declared unanimously carried by Mr. Crean.

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

VII. WORK SESSION:

- A) NEW BUSINESS**
- B) OLD BUSINESS**
- C) COMMITTEE REPORTS**
- D) ITEM FOR DISCUSSION:**

1. 2017 Tentative Planning Board Meeting Dates

After a short discussion, a motion to approve the 2017 Planning Board Meeting Dates was made by Mr. Donigian, seconded by Mr. Crean with all voting in favor.

VIII. ADJOURNMENT

Motion to adjourn the meeting at 8:35 p.m. was made by Mr. Donigian, seconded by Mr. Marcus and declared unanimously carried by Mr. Crean.

These minutes were prepared by Geri Entrup, Recording Secretary.