

**TOWNSHIP OF MAHWAH PLANNING BOARD  
REGULAR /WORK SESSION MEETING MINUTES  
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.  
MONDAY, MARCH 11, 2019 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 Drive, Mahwah, NJ was called to order at 7:33 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 Drive, Mahwah, NJ. Copies may be purchased for a fee.

**II. Roll Call:**

The following individuals were present:

Mayor Roth  
Mr. Crean  
Mr. Donigian  
Mr. Ervin  
Mr. Lo Iacono  
Mr. Olear  
Mr. Pallotta  
Mr. Van Duren  
Ms. Jankowski  
Ms. Galow

The following individuals were absent:  
Mr. Grewal

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

**III. APPROVAL OF BILLS:**

Maser Consulting	1/14/19	Meeting Attendance	\$200.00
Peter Scandariato, Esq.	12/3/19	Meeting Attendance	\$250.00
Phillips Nizer, LLP	1/2019	General Invoice	\$132.00

A motion to approve the above bills was made by Mr. Donigian and seconded by Mr. Van Duren. A roll call of members present revealed 10 aye votes by Mayor Roth, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Lo Iacono, Mr. Olear, Mr. Pallotta, Mr. Van Duren, Ms. Jankowski and Ms. Galow.

**IV. APPROVAL OF MINUTES:**

1. February 11, 2019

A motion to approve the minutes was made by Mr. Lo Iacono and seconded by Mr. Ervin. A roll call of members present revealed 10 aye votes by Mayor Roth, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Lo Iacono, Mr. Olear, Mr. Pallotta, Mr. Van Duren, Ms. Jankowski and Ms. Galow.

**V. RESOLUTION FOR MEMORIALIZATION:**

1. **Dkt #544PM SD - Anthony Fasciano, et al.**  
Monroe Drive, Blk 149, Lot 20  
Second Request for Extension of Preliminary Approval, Resolution of Approval

A motion to approve the resolution was made by Ms. Galow and seconded by Mr. Donigian. A roll call of members present revealed 10 aye votes by Mayor Roth, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Lo Iacono, Mr. Olear, Mr. Pallotta, Mr. Van Duren, Ms. Jankowski and Ms. Galow.

**VI. OPEN TO THE PUBLIC – 15 MINUTES:**

A motion to open the meeting to the public was made by Mr. Van Duren and seconded by Mayor Roth. All voted in favor.

No one wishing to be heard, a motion to close the meeting to the public was made by Mr. Ervin and seconded by Mayor Roth. All voted in favor.

**VII. PUBLIC HEARING(S):**

1. **Docket #553PF-A – BCUW/ Madeline Housing Partners LLC**  
92, 94, 98 Ramapo Valley Rd, Block 40, Lots 106.1, 107.1, 108.1  
Amended Site Plan Application, Signage

Mr. Bruce Whitaker of McDonnell & Whitaker, LLC of Ramsey, NJ, appeared on behalf of the Applicant. Mr. Whitaker gave a summary of the application requesting approval to install a sign at the Ramapo Valley Road site. In response to Mr. Kelly's letter of March 5, 2019, Mr. Whitaker testified that the Applicant is willing to move the sign if the roadway is widened at a later date.

Mr. Tom Toronto, President of United Way at 6 Forest Ave, Paramus, NJ 07652, was sworn in. Mr. Toronto gave an overview of the housing units. Mr. Toronto discussed the problems that the Applicant has encountered with non-resident usage of the parking lot. Mr. Toronto mentioned a heightened concern about the parking since the Applicant is in the final stage of this housing project which includes some senior housing. Mr. Toronto explained that the Applicant has comparable housing in Tenafly where the Applicant experienced similar problems with parking. Mr. Toronto explained that the Applicant used a sign at this location to

address the situation. Mr. Whitaker submitted Exhibit-A1 that depicted the existing sign used at a Tenafly location to indicate private property.

In response to Ms. Galow's questions, Mr. Toronto specified that the sign was effective and that there was no need to light the sign. Mr. Kelly noted that if lighting was needed in the future, a variance would be required. There was discussion about the location of the parking spots on the plan.

A motion to open the meeting to the public was made by Mr. Van Duren and seconded by Ward Donigian. All voted in favor.

No one wishing to be heard, a motion to close the meeting to the public was made by Ms. Galow and seconded by Mr. Ervin.

Mr. Joseph Vince P.E., P.P. of Schwanewede/Hals Engineering at 9 Post Road, Suite M11, Oakland NJ was sworn in. Mr. Whitaker stated that Mr. Vince had been previously qualified in the field of engineering before the Board. Mr. Vince stated that nothing had changed since then. Mr. Vince was accepted by the Board as a Professional Expert Engineer. Mr. Vince agreed that he worked on creating the Amended Site Plan dated October 4, 2018 and had an opportunity to review the Engineering and Planning Reports dated March 5, 2019 and February 28, 2019 respectively.

Mr. Vince presented Exhibit A-2, an Amended Site Plan, dated October 4, 2018. Mr. Vince identified where the sign would be located on the Site Plan. He testified that it would not interfere with any sight distances. Mr. Vince also provided Exhibit A-3, a life size sample of the sign that would be used. Mr. Kelly agreed that a variance was needed regarding the size of the proposed sign. Mr. Kelly also discussed that the variance for sign height would not be required in his opinion. Ms. Lawlor agreed that the sign height variance was not needed. Mr. Kelly explained that the minimum set back requirement does create a need for a variance and involves an easement on the property. Mr. Kelly discussed this and the need for Mr. Whitaker's previous testimony that, the Applicant would be willing to move the sign if the roadway was ever widened.

In response to Mr. Donigian's questions, Mr. Toronto stated that the sign would match the color of the building which is blue.

A motion to open the meeting to the public was made by Mr. Lo Iacono and seconded by Ward Donigian. All voted in favor.

No one wishing to be heard, a motion to close the meeting to the public was made by Mr. Van Duren and seconded by Ms. Galow.

A motion to approve the application with conditions, was made by Mr. Lo Iacono and seconded by Mr. Ervin. A roll call of members present revealed 10 aye votes by Mayor Roth, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Lo Iacono, Mr. Olear, Mr. Pallotta, Mr. Van Duren, Ms. Jankowski and Ms. Galow.

**2. E-BD-216-3051 Anthony Errico**  
386 Campgaw Rd, Block 147, Lot 8  
Amended Soil Movement Permit Application

Mr. Bruce Whitaker of McDonnell & Whitaker, L.L.C of Ramsey, NJ appeared on behalf of the Applicant. Mr. Whitaker summarized the amendment to the Soil Movement Permit Application.

Mr. Joseph Vince P.E., P.P. of Schwanewede/Hals Engineering at 9 Post Road, Suite M11, Oakland NJ was sworn in. Mr. Whitaker stated that Mr. Vince had been previously qualified in the field of engineering before the Board. Mr. Vince stated that nothing had changed since then. Mr. Vince was accepted as the Board as a Professional Expert Engineer. Mr. Vince agreed that he worked on creating the Amended Site Plan and had an opportunity to review the Engineering and Planning Reports on this application.

Mr. Vince presented the plans that were submitted with the application as:

<u>Exhibit A-1</u>	Plot Plan	Sheet 1 of 2	January 30, 2019
<u>Exhibit A-2</u>	Soil Moving Calculations	Sheet 2 of 2	January 30, 2019
<u>Exhibit A-3</u>	Plot Plan	Sheet 1 of 2	February 13, 2019
	Soil Moving Calculations	Sheet 2 of 2	February 13, 2019

Mr. Vince specified that the Applicant is not seeking any variances or waivers. Mr. Vince reviewed the property and the prior approval along with the movement of soil for that single family home development. Mr. Vince explained that the Applicant decided to redesign the house and the driveway. He testified that the changes result in raising the grade of the site and the amount of soil that would need to be moved. Mr. Vince reviewed the decrease in the square footage of the home and increased side yard setbacks as well as changes to the driveway design. The soil movement import/export calculation amounts were discussed in detail. Mr. Vince testified that the plans conformed to all requirements for soil movement.

Mr. Kelly explained why this application was back before the Board. There was discussion about the driveway design and vehicle movement in both the approved application and the proposed new design. Mr. Kelly asked Mr. Vince to discuss the elevations in reference to the neighboring properties. Mr. Kelly asked the Board to consider concerns that the neighbor to the South had about the site elevation at the previous hearing. Mr. Vince explained that the South setback has increased and that all setbacks were fully conforming. Mr. Lo Iacono asked for more information regarding the elevations. Mr. Kelly stated that the floor elevation was raised about 5.17 feet in this new proposal. Mr. Kelly identified that seven (7) less trees would be removed with this new proposed design. In response to Ms. Galow's question, Mr. Kelly specified that the house to the North was lower in elevation also. There was more detailed discussion about the height and elevation of the house.

A motion to open the meeting to the public was made by Mr. Donigian and seconded by Ms. Galow. All voted in favor.

Mr. Michael Yorke of 392 Campgaw Rd approached. When Mr. Yorke began stating his concerns, Mr. Scandariato explained that this part of the hearing was for the public to present questions for this witness. Mr. Yorke specified that he would share his concerns later in the meeting.

Mr. Vince explained that nothing has changed in terms of the wetlands and water movement.

Mr. Kelly asked Mr. Vince if there were steps the Applicant could take to lessen the impact of the increased elevation. Mr. Vince testified that the Applicant was willing to plant a row of twenty (20) trees to provide a buffer. There was discussion about the placement of the trees. The Applicant agreed to obtain review and approval from Mr. Kelly's office regarding the placement of these twenty (20) trees.

In response to questions from the Board, Mr. Vince affirmed that the Applicant is moving the house forward within the lot for aesthetics and not due to flooding concerns. Mr. Kelly confirmed that run-off and water management will remain as designed in the previously approved application. Mr. Kelly also explained that the new proposal decreases impervious coverage, which is a benefit.

A motion to open the meeting to the public was made by Mr. Ervin and seconded by Mr. Van Duren. All voted in favor.

Mr. Michael Yorke of 392 Campgaw Rd approached and was sworn in. Mr. Yorke asked the Board to take the surrounding homes in the area into consideration. Mr. Yorke explained that the elevation of these homes is lower than the road elevation. Mr. Yorke shared his opinion that building this new home at road level, would take away from the aesthetics of the neighborhood and potentially the value of the homes. Mr. Crean thanked Mr. Yorke for sharing his concerns and opinion. Mr. Yorke expressed his surprise that other neighbors were not present at the meeting. There was further discussion with the Board regarding how long the neighbors had resided in their homes.

A motion to close the meeting to the public was made by Mr. Ervin and seconded by Ms. Galow.

Mr. Whitaker gave a summary of the proposed application emphasizing that the new proposal was less intense than the previously approved application with no variance or waivers required.

Mr. Crean clarified that the application does comply with all the requirements. Mr. Crean also stated that he was on the Board when the application was first heard. Mr. Crean stated that he would have had problems with how it was being filled in but he reiterated that the proposal does meet the requirements.

A motion to approve the application with conditions, was made by Mr. Olear and seconded by Mr. Van Duren. A roll call of members present revealed 9 aye votes by Mayor Roth, Mr. Crean, Mr. Ervin, Mr. Lo Iacono, Mr. Olear, Mr. Pallotta, Mr. Van Duren, Ms. Jankowski and Ms. Galow and 1 nay vote by Mr. Donigian.

**VIII. WORK SESSION:**

- A) NEW BUSINESS: None
- B) OLD BUSINESS: None
- C) COMMITTEE REPORTS: None

**IX. ADJOURNMENT:**

A motion to adjourn the meeting at 8:27 p.m. was made by Mr. Lo Iacono and seconded by Mr. Ervin. All voted in favor.

These minutes were prepared by Mary Jo Wood, Planning Board Secretary. The minutes were provided to the Planning Board on March 20, 2019 for approval at the Regular Meeting to be held March 25, 2019.