

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR /WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, MARCH 25, 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 7:31 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 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

The following individuals were absent:

Ms. Galow
Mr. Grewal

Professionals: Peter J. Scandariato, Esq., Michael Kelly, P.E., Marcia Shiffman, P.P.

III. APPROVAL OF BILLS:

Phillips Nizer, LLP	2/2019	General Invoice	\$594.00
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A motion to approve the above bills was made by Mr. Donigian and seconded by Mayor Roth. A roll call of members present revealed 9 aye votes by Mayor Roth, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Lo Iacono, Mr. Olear, Mr. Pallotta, Mr. Van Duren and Ms. Jankowski.

IV. APPROVAL OF MINUTES:

1. March 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 9 aye votes by Mayor Roth, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Lo Iacono, Mr. Olear, Mr. Pallotta, Mr. Van Duren and Ms. Jankowski.

V. RESOLUTION FOR MEMORIALIZATION:

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, Resolution of Approval Adopted

A motion to approve the resolution was made by Mr. Van Duren and seconded by Mr. Olear. A roll call of members revealed 9 aye votes by Mayor Roth, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Lo Iacono, Mr. Olear, Mr. Pallotta, Mr. Van Duren and Ms. Jankowski.

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

A motion to approve the resolution was made by Mr. Lo Iacono and seconded by Mayor Roth. A roll call of members revealed 8 aye votes by Mayor Roth, Mr. Crean, Mr. Ervin, Mr. Lo Iacono, Mr. Olear, Mr. Pallotta, Mr. Van Duren and Ms. Jankowski.

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 Mr. Ervin. All voted in favor.

Mr. Lionel Chalier of 1 Vail Place approached. He stated that he was aware that during the Public Hearing at the March 11, 2018 meeting, the Applicant for Soil Movement Permit Application (E-BD-216-3051) agreed to plant a buffer of trees on the North side of the property. Mr. Chalier asked if the same would occur on his side of the property. Mr. Chalier acknowledged that he was uncertain about exactly where the house would be placed on the property considering the changes that were approved on March 11, 2018. Mr. Chalier indicated that the existing slope was more severe than the “gentle” slope that was discussed at the Public Hearing he attended on May 7, 2018. Lastly, Mr. Chalier mentioned the misunderstanding that had occurred regarding the property line between his property and Mr. Errico’s property. Mr. Kelly replied to Mr. Chalier’s comments and concerns stating that the agreement to place the buffer of trees on the property was the result of the neighbor’s presence at the March 11, 2018 Public Hearing. Mr. Kelly stated that the proposed house had decreased in size. Mr. Kelly did not have the plans on hand

to give the exact set back locations. Mr. Kelly affirmed that the changes in the slope have been assessed in terms of adverse impact on neighboring properties and in terms of managing stormwater drainage. Mr. Kelly explained that the updated plans show a swale that will direct the runoff properly.

There was additional conversation regarding the misunderstanding regarding the property line. Mr. Kelly stated that the property line has been marked out in the field. He shared his understanding that Mr. Chalier questioned the property line with Mr. Chellini who is the construction contractor. Mr. Kelly explained that once this misunderstanding was identified, Mr. Chellini was directed to have the line marked by a professional surveyor. Mr. Chalier confirmed that this occurred within a few days of his conversation with Mr. Chellini. Mr. Kelly noted that there was no mitigation needed, as no work was done prior to the surveyor marking the property lines.

Mr. Crean explained that if Mr. Chalier was represented at the Public Hearing on March 11, 2018 the Board could have discussed the placement of trees on this part of the property also. Mr. Crean suggested that Mr. Chalier bring his tree request to Mr. Errico on his own. Mr. Crean thanked Mr. Chalier for coming.

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

VII. PUBLIC HEARING(S):

1. Docket #584 - Thomas J. Deloy

111 Midvale Mountain Rd, Block 1, Lots 158, 159.01
Minor Subdivision Application

Mr. Andre Schan of Schan Associates, at 41 Horseneck Rd, Montville, NJ, was sworn in, gave his credentials and was accepted as an expert land surveyor. Mr. Schan described the property location and physical characteristics. He pointed out the flatter part of the property to the south side of the Lot. Mr. Schan mentioned that if a home is proposed to be built in this area, it would be difficult to meet the rear-yard setback requirements. Mr. Schan indicated that the addition of the 1.25 acres to Lot 159.01 would resolve this difficulty. Mr. Schan specified that there were no current plans to build on Lot 159.01. Mr. Deloy explained his intent to pass the property on to his son who may build there someday.

In response to Mr. Kelly's question, Mr. Schan remarked that the subdivision would allow future development to more easily meet the rear and side yard requirements. Mr. Kelly reviewed the variances/waivers, outlined in his report of February 28, 2019, regarding required frontage upon an approved road and submission of an Environmental Impact Statement (EIS). Mr. Kelly explained that Midvale Mountain Road does not meet town standards. There was more detailed discussion regarding prior approvals and what variances would be needed for this application. Mr. Deloy explained that he was not aware of the EIS requirement, but testified to the ultimately smaller impact of development if this subdivision is granted.

Mr. Kelly discussed items in support of the application and variances, citing previous approvals that involved taking down more trees with more disturbance on the property. Mr. Kelly reminded the Board that any Soil Movement Permit Application that moves more than one-thousand cubic yards of soil must go before the Planning Board for approval. Estimating that any development in this area would fit this criteria, Mr. Kelly felt the Planning Board would have an opportunity to review any future proposed development. Mr. Kelly clarified that this approval does not mean that the lot is buildable.

Mr. Deloy testified that the easement on the deed was intended for access to Lot 158. Mr. Deloy explained that the forester for Lot 158, currently uses his driveway to access Lot 158, as the easement is not passable. Mr. Kelly suggested that any other formalized easement for access to Lot 158 should be handled between the two parties outside the scope of this application.

There was discussion about the layout of the lots. Mr. Deloy explained that there is an area there with a view that he wanted to include in his property. Mr. Kelly stated that he did not have an issue with the area.

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

Ms. Lana Ladenhein of 21 Midvale Mountain Road approached. Ms. Ladenhein who owns Lot 155, asked what blasting would be needed with development. Mr. Deloy explained that this subdivision would decrease the blasting that would be required. Ms. Ladenhein asked to be shown exactly where the subdivision was in reference to her property. Mr. Schan and Mr. Deloy showed Ms. Ladenhein exactly where the proposed changes were on the Minor Subdivision Plan submitted by the Applicant, created by Schan Associates, dated November 21, 2016 and revised October 22, 2017. There was further discussion about the distance to her property. Mr. Kelly explained that blasting would be included in any Soil Movement Permit Application. He indicated that this application would include pre-blast surveys of neighboring properties, following New Jersey State requirements. There was additional discussion regarding the easement and access to Lot 158.

A motion to close the meeting to the public was made by Mr. Ervin and seconded by Mr. Lo Iacono.

The process to review, approve and record a deed was discussed.

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 9 aye votes by Mayor Roth, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Lo Iacono, Mr. Olear, Mr. Pallotta, Mr. Van Duren and Ms. Jankowski.

VIII. WORK SESSION:

A) NEW BUSINESS:

1. Docket #580 – Gerdaneu Inc. (Owner); Resource Control Consultants LLC (Applicant)

4 Leisure Lane, Block 26, Lot 4

Trailer Application, Request for second extension of the March 13, 2017 Preliminary Approval

Mr. John M. Mateo, LSRP, of Resource Control Consultants, LLC, at 10 Lippincott Lane, Unit 1, Mount Holly NJ appeared on behalf of the Applicant. Mr. Mateo, was sworn in, gave his credentials and was accepted as an expert Remediation Professional. Mr. Mateo provided an update to the Board regarding the remediation trailer that has been on site. He explained that due to the wet weather and higher water table, the remediation process is taking longer than they originally estimated. He expects that a one-year extension should provide enough time to complete the remediation but he stated that this would be dependent on the weather conditions.

A motion to approve the requested one-year extension was made by Mr. Donigian and seconded by Mr. Van Duren. A roll call of members present revealed 9 aye votes by Mayor Roth, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Lo Iacono, Mr. Olear, Mr. Pallotta, Mr. Van Duren and Ms. Jankowski.

B) OLD BUSINESS: None

C) COMMITTEE REPORTS: None

IX. ADJOURNMENT:

A motion to adjourn the meeting at 8:31 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 April 18, 2019 for approval at the Regular Meeting to be held April 22, 2019.