

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR/WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, MAY 22, 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 7:33 pm 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.

The following individuals were present:

- Mayor Laforet
- Mr. Crean
- Mr. Ervin
- Mr. Grewal
- Mr. Sherer
- Mr. Van Duren
- Mr. Lo Iacono

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

The following individuals were absent:

- Mr. Donigian
- Mr. Howard

II. APPROVAL OF BILLS:

Peter Scandariato, Esq.	April 2017	General	\$ 462.00
-------------------------	------------	---------	-----------

Motion to approve the bills was made by Mr. Crean and seconded by Mr. Grewal. A roll call of members present revealed 7 aye votes by Mayor Laforet, Mr. Crean, Mr. Ervin, Mr. Grewal, Mr. Sherer, Mr. Van Duren and Mr. Lo Iacono.

III. APPROVAL OF MINUTES:

None to present.

IV. RESOLUTIONS FOR MEMORIALIZATION:

1. Docket #582 – The Land Conservancy of NJ

30 & 34 Split Rock Road, Block 12, Lots 25 & 26, Minor Subdivision, Resolution of Approval

Motion to approve the resolution was made by Mayor Laforet and seconded by Mr. Crean. A roll call of members present revealed 4 aye votes by Mayor Laforet, Mr. Crean, Mr. Sherer and Mr. Lo Iacono.

2. Docket #581 – 19 Hines, LLC

125 Second Street, Block 54, Lot 11, Minor Subdivision, Resolution of Approval

Motion to approve the resolution was made by Mayor Laforet and seconded by Mr. Crean. A roll call of members present revealed 4 aye votes by Mayor Laforet, Mr. Crean, Mr. Sherer and Mr. Lo Iacono.

3. Review of Proposed Ordinance #1803 - the Township of Mahwah proposes to amend and supplement Chapter XXIV, entitled “Zoning” of the Revised General Ordinances, with the addition of the newly created Section 24-19 entitled “Wellhead Protection,” Resolution of Approval

Motion to approve the resolution was made by Mr. Crean and seconded by Mayor Laforet. A roll call of members present revealed 4 aye votes by Mayor Laforet, Mr. Crean, Mr. Sherer and Mr. Lo Iacono.

V. OPEN TO THE PUBLIC – 15 MINUTES

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

No one wishing to be heard, motion to close the meeting to the public was made by Mr. Crean, seconded by Mr. Van Duren and declared unanimously carried by Mr. Sherer.

VI. PUBLIC HEARING:

None to present.

VII. WORK SESSION:

1. Docket #583 – 6 Hines Avenue, LLC

6 Hines Avenue, Block 42, Lots 3, 4, 5, 6, & 7; Minor Subdivision Application

Mr. Bruce Whitaker, Esq., of McDonnell & Whitaker, LLC, approached on behalf of the Applicant. The Applicant is seeking an approval for a two-lot subdivision. Mr. Whitaker presented an overview as noted in the Statement of Facts submitted with the application. He indicated Mr. Peter Kirch is the principal of 6 Hines Avenue, LLC and the developer of the property. There is an existing home on the property that is being renovated and refurbished. The applicant would like to subdivide the property to create an additional building lot. The new lot and new home will not require any variances.

Referring to Boswell Engineering's May 17, 2017 report, separate Soil Movement Permit Applications are required to be submitted for each lot prior to any development. Mr. Whitaker indicated the Applicant will adhere to all comments within the report. Mr. Kelly stated the property is located within the Flood Hazard Area of the Ramapo River. He made it clear that even if the minor subdivision is approved, it does not mean that the lots are buildable. Flood plain requirements will need to be met and the Applicant will need to abide by the Township Flood Prevention Ordinance. Mr. Kirch presented a one-page topographic survey of the properties with the flood plain delineated.

Mr. Whitaker indicated the existing detached garage, currently located within the flood plain, is proposed to be removed. Mr. Kelly questioned a pipe that traverses the property. Mr. Kirch is not sure what the pipe is for but was informed by neighbors that it is a footing drain discharge for the existing home. There are no plans to remove this pipe.

Ms. Lawlor questioned the garage depicted on the plans as compared to a photo submission. Renovations have already been done to the existing home, which now has an attached garage and second floor. Mr. Sherer and Mr. Kelly requested the Applicant show the location of the well, the piping and the location of the manhole cover on all revised plans. There was a short discussion on the lot line going into the center of the river. There were no further questions from the Board for Mr. Whitaker or Mr. Kirch.

A motion to approve the application, with conditions, was made by Mr. Crean and seconded by Mr. Van Duren. A roll call of members present revealed 6 aye votes by Mayor Laforet, Mr. Crean, Mr. Ervin, Mr. Sherer, Mr. Van Duren and Mr. Lo Iacono. Mr. Grewal recused himself from voting on this application.

2. Docket #488A-1 – SMS Developers

Block 109, Lots 2 & 3, Airmount Road & Heritage Lane; Amended Subdivision Application – Sidewalk Waiver Request (Carried from May 8, 2017)

Mr. Sam Davis of SMS Developers approached. Referring to a prior meeting, Mr. Kelly noted the Board discussed the developer's sidewalk waiver request for the Heritage Lane development. The Board is requiring sidewalks be installed along Airmount Road. The developer was asked to provide an estimated cost to install the sidewalks interior to the subdivision. Mr. Kelly received an email from Mr. Sam Davis with an estimated cost of \$4,290.00. Mr. Kelly indicated that per the Developer's Agreement (prepared 12 years ago), the Engineer's estimate for the sidewalk cost is \$11,100.00. It is Mr. Kelly's understanding the residents of the development are not in favor of sidewalks being installed. A discussion

ensued on the waiver request, the differences in the costs, the resolution requirement to install sidewalks and the purpose of the Township's Sidewalk Fund.

Mr. Davis stated he will pay \$11,100.00 in lieu of installing sidewalks interior to the development. There was a discussion regarding the timeframes for the sidewalk installation on Airmount Road and the paving of Heritage Lane. Mr. Davis mentioned he had staked the sidewalk area on Airmount Road; however, residents pulled out his stakes. He foresees issues with the current residents when he proceeds to install the sidewalks as required by the Board. Mr. Kelly will speak to the residents regarding the sidewalk installation and coordinate the schedule of sidewalk installation and paving with Mr. Davis.

There were no further questions from the Board for Mr. Davis.

A motion to approve an amendment to the original resolution was made by Mr. Crean and seconded by Mr. Van Duren. A roll call of members present revealed 7 aye votes by Mayor Laforet, Mr. Crean, Mr. Ervin, Mr. Grewal, Mr. Sherer, Mr. Van Duren and Mr. Lo Iacono.

3. Docket #481A – JP Development, Inc. (Airmont Acres, LLC)

Block 116, Lot 13, Hummingbird Court; Amended Subdivision Application – Sidewalk Waiver Request

Mr. Jay Shetti of JP Development, Inc. approached. Mr. Shetti presented the background of the subdivision development. He indicated original plans did not depict sidewalks. There are two new homes within the subdivision. Mr. Shetti indicated the two new homeowners, as well as an existing homeowner in the area, do not want sidewalks installed. He is requesting a waiver from installing sidewalks.

Mr. Kelly commented there are no sidewalks in the immediate area. Per the Developer's Agreement, the Engineer's estimate for the sidewalk cost is \$11,700.00. The Applicant can either install the sidewalks or contribute to the Township's Sidewalk Fund. Mr. Shetti will pay \$11,700.00 in lieu of installing sidewalks.

There were no further questions from the Board for Mr. Shetti.

A motion to approve an amendment to the original resolution was made by Mr. Crean and seconded by Mr. Van Duren. A roll call of members present revealed 7 aye votes by Mayor Laforet, Mr. Crean, Mr. Ervin, Mr. Grewal, Mr. Sherer, Mr. Van Duren and Mr. Lo Iacono.

VIII. ADJOURNMENT

Motion to adjourn the meeting at 8:12 pm was made by Mr. Van Duren, seconded by Mr. Crean and declared unanimously carried by Mr. Sherer.

These minutes were prepared by Geri Entrup, Recording Secretary.