

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR/WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, MAY 8, 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 7:36 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. Donigian (in at 7:40 pm)
- Mr. Howard
- Mr. Sherer
- Mr. Lo Iacono

Professionals: Peter J. Scandariato, Esq., Michael Kelly, P.E., Darlene Green, P.P.

The following individuals were absent:

- Mr. Ervin
- Mr. Grewal
- Mr. Van Duren

II. APPROVAL OF BILLS:

Peter Scandariato, Esq.	4/24/17	Meeting Attendance	\$ 250.00
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Motion to approve the bills was made by Mr. Howard and seconded by Mr. Lo Iacono. A roll call of members present revealed 5 aye votes by Mayor Laforet, Mr. Crean, Mr. Howard, Mr. Sherer and Mr. Lo Iacono.

III. APPROVAL OF MINUTES:

None to present.

IV. RESOLUTIONS FOR MEMORIALIZATION:

1. 2017 Master Plan Reexamination Report and Master Plan Amendment

Motion to approve the resolution was made by Mr. Howard and seconded by Mr. Crean. A roll call of members present revealed 5 aye votes by Mayor Laforet, Mr. Crean, Mr. Howard, 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. Crean, seconded by Mr. Howard 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. Howard, seconded by Mr. Crean and declared unanimously carried by Mr. Sherer.

VI. PUBLIC HEARING:

1. Docket #582 – The Land Conservancy of NJ

30 & 34 Split Rock Road, Block 12, Lots 25 & 26, Minor Subdivision Application

Mr. James Gregory, Esq., of Norris, McLaughlin & Marcus Law Firm, approached on behalf of the Applicant along with Mr. David Epstein, President of The Land Conservancy of NJ. Mr. Gregory described the Minor Subdivision Application. The Applicant is proposing a lot line adjustment between Lots 25 and 26. The change would make Lot 26 larger and Lot 25 smaller. No new construction is proposed

Mr. Gregory called Mr. Epstein of 19 Boonton Avenue, Boonton, NJ. Mr. Epstein was sworn in by Mr. Scandariato. Mr. Epstein described the mission of The Land Conservancy. They acquired 47 acres in Mahwah, funded by Green Acres. The property will be subject to a deed restriction where the property will be limited to open space, passive recreation and trails and building will not be permitted. The intention is to leave the site in its natural state creating trails that would potentially connect to existing Bergen County Parkland.

After obtaining a survey of the property, it was determined that certain improvements owned by Block 12, Lot 26 (driveway, shed), encroached on Lot 25. Instead of having the adjacent property owner move or demolish the improvements, the Applicant would submit a Minor Subdivision Application to adjust the lot lines to remove the encroachments. It was also determined the survey disclosed a small area located within the Split Rock Road right-of-way. This area will be dedicated to the Township of Mahwah.

The plan, entitled “Lot Line Adjustment, Lands of the Land Conservancy of New Jersey and Kenneth and Jacqueline Sacelaris, Tax Lots 25 and 26, Block 12, Tax Map Sheet 5, Township of Mahwah, Bergen County, New Jersey” prepared by Douglas O. Dykstra, P.L.S., dated February

15, 2017 was presented and marked as Exhibit A-1. Although Mr. Epstein is not a licensed surveyor, he referred to Exhibit A-1 during his testimony.

Mr. Kelly referred to his report and noted the following variances and waivers for the record:

- Minimum Lot Area, for both lots
- Minimum Lot Width, for both lots
- Minimum Lot Depth, for both lots
- Minimum Front Yard Setback, for Lot 26
- Minimum Rear Yard Setback, for Lot 26
- Minimum Side Yard Setback, for the existing shed on Lot 26

Mr. Gregory indicated the comments in Mr. Kelly's report will be addressed and the subdivision will be filed by deed. Mr. Kelly requested the deeds be submitted to the Township for review prior to being filed. Mr. Sherer commented on the Health Department's questioning septic records for the existing home. Mr. Kelly replied this does not affect the subdivision request.

Motion to open the meeting to the Public was made by Mr. Donigian, seconded by Mr. Crean and declared unanimously carried by Mr. Sherer.

Mr. James Venusti, of 51 Midvale Mountain Road, approached. He stated he sold the subject property to The Land Conservancy. He indicated there were improvements on his property at the time and that The Land Conservancy requested he move them. When he asked about moving the lot line, he was informed by the Highlands that this was not permitted. It was not clear who Mr. Venusti spoke to at the Highlands, but Mr. Kelly mentioned the Highland requirements have not changed and the lot line change is an exempt activity.

Mr. Gregory also indicated he spoke to the Highlands and for a minor lot line adjustment with no development, a Highlands approval is not required.

Motion to close the meeting to the public was made by Mr. Crean, seconded by Mr. Donigian and declared unanimously carried by Mr. Sherer.

Mr. Gregory gave a short closing statement.

A motion to approve the application was made by Mayor Laforet and seconded by Mr. Crean. A roll call of members present revealed 6 aye votes by Mayor Laforet, Mr. Crean, Mr. Donigian, Mr. Howard, Mr. Sherer and Mr. Lo Iacono.

VII. WORK SESSION:

A) NEW BUSINESS:

- 1. Docket #581 – 19 Hines, LLC**
125 Second Street, Block 54, Lot 11, Minor Subdivision Application

Mr. John Barbarula, Esq., of Barbarula Law Offices, Butler, NJ approached on behalf of the Applicant, who is requesting a minor subdivision to create two lots. The Applicant has not requested any variances or waivers and the lots proposed will be fully conforming. The plans submitted with the application were prepared by Peter C. Kirch, P.L.S. of SurTech Surveying Technologies. The property is located in the R-11 Zone, which is two-family zone. Mr. Kelly commented each lot would require the submission of a separate Soil Movement Permit Application. If soil movement is greater than 1,000 cubic yards, a Public Hearing would be required. Upon questioning by Mr. Kelly, Mr. Barbarula indicated independent deeds would be prepared to perfect the subdivision. Since the original submission of the application and plans, amended plans were submitted addressing all of the comments in Boswell Engineering's report dated April 27, 2017. There was a short discussion on setbacks.

A motion to approve the application was made by Mayor Laforet and seconded by Mr. Donigian. A roll call of members present revealed 6 aye votes by Mayor Laforet, Mr. Crean, Mr. Donigian, Mr. Howard, Mr. Sherer and Mr. Lo Iacono.

- 2. 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," which was introduced at the Township's Council meeting on May 4, 2017.

The Ordinance was introduced at the Township's Council meeting on May 4, 2017 and was referred to the Planning Board to determine if it is consistent with the Master Plan. Mr. Kelly stated copies of the proposed Ordinance were submitted to the Planning Board Members in both a red-lined and a revised format. Mr. Kelly showed the revised map on the computer display and described the changes made.

Mr. Sherer questioned why Section E, #3 on Page 5 entitled "Inclusion of Wellhead Protection Area Zoning into Master Plan" was eliminated. Mr. Kelly responded this recommendation has been met. Mr. Sherer also questioned removing the Board of Health notation at the top of Page 11 in regards to Enforcement. At the recommendation of the Township Attorney, it was determined one entity from the Township should be named in this section.

Mayor Laforet questioned the authority of the Administrative Officer. Mr. Kelly responded if the Administrative Officer found an Applicant was not in compliance with the Ordinance, the Applicant would need to appear before the Board of Adjustment. There was a discussion regarding tiers, uses and priority pollutants. Clarification regarding printing and publishing uses were mentioned. Mr. Kelly stated the term "non-digital" can be added to that section.

Upon questioning by Mayor Laforet, Mr. Kelly described the following in detail:

Section H, #2,d,ii – "The system must have sufficient capacity to contain or divert the largest probable single discharge that could occur within the containment area, plus an additional capacity to compensate for any anticipated normal accumulation of rainwater."

Section L, #3 – “In the event that an allowed nonconforming activity is stopped, suspended or abandoned for a period of twelve (12) months or longer, the activity shall permanently desist and shall be subject to the requirements of this Ordinance.”

Appendix A, #8 – “Pipeline, except natural gas.”

Mr. Kelly stated the objective of the ordinance is to protect the Township’s water and to prohibit uses that can adversely affect water supply. The Board continued to discuss the availability of potable water, wellhead protection, pipelines, and natural gas. The benefits of Ordinance #1803 are to control and manage uses within tiers that have the potential to pollute the water.

Mr. Donigian questioned notice to which Mr. Scandariato responded notice is handled at the Council level for Ordinances. The Planning Board determines the consistency with the Master Plan.

A motion to approve the ordinance, with a minor revision, was made by Mr. Crean and seconded by Mr. Donigian. A roll call of members present revealed 6 aye votes by Mayor Laforet, Mr. Crean, Mr. Donigian, Mr. Howard, Mr. Sherer and Mr. Lo Iacono.

B) OLD BUSINESS:

1. Docket #488A-1 – SMS Developers

Block 109, Lots 2 & 3, Airmount Road & Heritage Lane, Amended Subdivision - Discussion Regarding Sidewalks

The Applicant was not able to attend the hearing due to a personal reason. After a short discussion, Mr. Sherer announced the application discussion is carried until May 22, 2017.

C) COMMITTEE REPORTS:

There were no committee reports; however, Mr. Kelly addressed the Board and would like to bring to their attention correspondence received from Rockland County regarding a use variance request submitted by Suburban Caps in Suffern, NY. The proposed site is visible from the Mahwah town line on Franklin Turnpike. There was a discussion about the existing site recognizing the storage area being in the back and not visible from the road. Mr. Kelly will follow up and address as appropriate on the Board’s behalf.

VIII. ADJOURNMENT

Motion to adjourn the meeting at 8:23 pm was made by Mr. Crean, seconded by Mr. Donigian and declared unanimously carried by Mr. Sherer.

These minutes were prepared by Geri Entrup, Recording Secretary.