

**TOWNSHIP OF MAHWAH PLANNING BOARD  
REGULAR/WORK SESSION MEETING MINUTES  
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.  
MONDAY, JANUARY 23, 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 p.m. 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.

**II. Mayor Laforet announces Reappointment to the Planning Board:**

Christopher Howard, Alternate I

Jan. 1, 2017-Dec. 31, 2018

**III. ROLL CALL**

The following individuals were present:

Mayor Laforet  
Mr. Donigian  
Mr. Ervin  
Mr. Grewal  
Mr. Sherer  
Mr. Howard  
Mr. Lo Iacono

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

The following individuals were absent:

Mr. Bagatelle  
Mr. Crean  
Mr. Van Duren

**IV. APPROVAL OF BILLS: None to present.**

**V. APPROVAL OF MINUTES:**

A) December 12, 2016

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

**B) January 9, 2017 (Reorganization Meeting)**

Motion to approve the minutes was made by Mr. Lo Iacono and seconded by Mr. Donigian. A roll call of members present revealed 6 aye votes by Mayor Laforet, Mr. Donigian, Mr. Ervin, Mr. Grewal, Mr. Sherer, and Mr. Lo Iacono.

**C) January 9, 2017**

Motion to approve the minutes was made by Mr. Donigian and seconded by Mr. Ervin. A roll call of members present revealed 6 aye votes by Mayor Laforet, Mr. Donigian, Mr. Ervin, Mr. Grewal, Mr. Sherer, and Mr. Lo Iacono.

**VI. RESOLUTION FOR MEMORIALIZATION: None to present.**

**VII. OPEN TO THE PUBLIC – 15 MINUTES**

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

**VIII. PUBLIC HEARING:**

- 1. Docket #578 – 341 Landcorp.** 792 & 800 Wyckoff Avenue; Fairmount Avenue; Jefferson Street Block 177, Lots 13-38, Block 178, Lots 24-36 Preliminary and Final Major Subdivision Application & Soil Movement Permit Application, continued from December 12, 2016

Mr. Sinisi appeared before the Board on behalf of the applicant and gave brief background of the application.

Angelo Onello, P.E., appeared on behalf of the applicant and noted changes were made to the plans and resubmitted to the Board based upon the suggestions and requests heard at the hearing on 12/12/16. Mr. Onello described the revised plans, noting changes to the following: all setback line dimensions are depicted to the Bergen County easement along with the site triangles; existing conditions plan was unchanged; retaining walls were originally shown up to 4ft. in height, but they revised grading to show 3ft. maximum height; they truncated walls at the property lines and there are no retaining walls crossing property lines; they are providing swales through the use of grading design to avoid water flowing through the properties.

In response to Mayor Laforet, the retaining walls are proposed along the driveways and others are also provided along the rear of the property to provide a flatter yard. Plans originally depicted trees from the original survey. The survey crew surveyed all trees 12” or greater and found a total of 119 trees to be removed; a total of 47 trees are to be removed within the Jefferson St. right-of-way. In response to Mr. Donigian, Mr. Onello informed the 47 trees are included in the total 119 to be removed. Two trees per lot are required to be replaced (planting 20 new trees total as per the Ordinance). Mr. Onello noted the plan depicts the trees remaining; five trees within the property line will be saved and there should be no disturbance in that area.

Regarding the soil erosion plan and tree protection detail, Mr. Onello explained the five trees are clearly depicted as saved and protected. The majority of trees are to be removed for the home construction, the installation of utilities, drainage, piping, and other improvements.

In response to Mr. Sinisi, Mr. Onello explained the applicant requested information from the Mahwah Water Department regarding the water connections to the proposed subdivision and is awaiting a response. Water testing was conducted on 1/12/17 by a third-party professional with assistance from the Water Department; the results indicated that the Fairmount Ave. flow rates were 1100 gallons/minute and 110psi from the water main and lowered to 90-100 psi, which indicated no issue with water pressure (the new homes across the street are currently fit with pressure reducers). Mr. Kelly indicated that looping the water main was suggested by the Water Department; he explained the hydrant flow test values look good from a pressure standpoint, but the Water Department still wants the connection looped. There have been similar situations in town and the Board asked the applicant to provide the adequate cost for materials for the Township to complete the work at a later date. It would be difficult to require the applicant to pay for the entire looping. Mr. Sinisi confirmed the applicant was prepared to accommodate that request and contribute to the cost of the modification to the system. In response to Mr. Donigian, the extension would be 300 linear ft. Mr. Kelly explained the Brandywine facility is on a separate line for the purpose of fires in the future. There is enough water capacity to fight fires at the homes proposed at these locations.

Mr. Onello informed there were no known issues and will connect to Northwest Bergen Utilities Authority for gravity-flow sewer connections; each home is fitted at 300 gallons/day (total is 3000 gallons per day for the site). In response to Mayor Laforet, Mr. Kelly advised the proposed system should have no effect on existing systems. In response to Mr. Donigian, Mr. Kelly explained the typical cost for this extension (water loop) is \$225/foot. The applicant's contractor may be interested in bidding on the project while performing the other work. Applicant agreed to voluntarily coordinate this with their contractor.

Mr. Onello explained the applicant changed the grading and overall soil movement, which adjusted the calculations to 7000 cubic yards inclusive of the crushed stone. In response to Mr. Sinisi, Mr. Onello concurred that the project proposed a standard good design with large building footprints and is within the similar design of the existing five homes across the street. The project was designed to avoid soil import other than crushed stone and meets all RSIS standards. He attested there was no adverse impact to the surrounding areas. Regarding the 1/19 Maser letter, Highlands deferred to the Township of Mahwah regarding the obligation to obtain an exemption. The local Highlands exemption was granted.

Mr. Sinisi marked exhibits (the new set of plans (A-3) and the (A-4) 4/14/16 Township Highlands exemption determination). He explained that the prior use of that site was for a nursery. The site history was reviewed and the applicant was aware of a Phase I study conducted, but could not locate it. They ordered a Phase I to be conducted again since the first could not be found; when completed, it will be submitted to the Board, which should be within four to six weeks. Mr. Sinisi marked additional exhibits (A-5 review letters regarding the water testing as well as Mr. Kelly's response letter).

Mr. Kelly requested clarification regarding the number of landscape buffers along the eastern side of the property and in between the different lots. Mr. Onello distributed a sketch of the proposed landscape buffers to the Board (marked A-6). Mr. Onello noted Green Giant arborvitae will be used and initially planted at 5-6ft. heights which will grow to 16 ft within 2-3 years. They will be planted at the rear yards of the homes along the neighboring areas. In between the individual lots, the buffer choices are up to the developer; however, Mr. Onello

noted it would be best to provide a similar landscape buffer. In response to Mr. Kelly, Mr. Onello confirmed they could stagger the plantings. Mr. Kelly recommended the buffers between the homes be noted on the plans. Mr. Onello explained the landscaping for the properties facing Franklin St. must be installed and the remainder properties will require two replacement trees. Mr. Kelly noted there is an issue when the lots are sold; it would be difficult for a specific buffer requirement for each lot. He recommended the Board require landscaping as discussed, but also include landscaping around the detention area and along lot 12. He noted that developers usually provide adequate buffering; Mr. Sherer requested the removal of the buffers as depicted between the lots the plan is more realistic.

Mr. Kelly reminded the applicant to change the name of Jefferson St. for emergency services purposes as there is another extension of Jefferson St. with residences. The applicant can submit the request to Mr. Kelly and forward to Historic Preservation. He recommended contributions be made to the sidewalk fund for those sidewalks not installed along the new road, Fairmount Ave. and Wyckoff Ave. Mr. Sherer advised creating a sidewalk for the bus stop locations. Mr. Kelly further advised all other items could be addressed outside of the meeting. He noted the applicant requested a waiver for a 500ft drainage map, which he is not opposed to at this time.

Ms. Lawlor advised sidewalks be installed where bus stops are located. She noted the Zoning ordinance requirement is a 50ft. radius for a cul-de-sac while RSIS is 40ft.; the applicant is in compliance with RSIS. Mr. Howard noted the 40ft. is tight for emergency vehicles; pumpers are 32ft long and the towers are 40ft. (wheel base is 25/28); however, they could make this turn. Ms. Lawlor agreed with a waiver for the curbing.

In response to Mr. Donigian, Mr. Onello informed there were no known issues and they are awaiting the results of the Phase I study. Mr. Donigian was concerned that a Phase I study results could be biased; the conversion of commercial property to residential use is a matter of public health. Mr. Kelly informed the results of the Phase I could indicate that soil samples be conducted. He advised he would review the results and provide comments to the applicant/Board. Mr. Donigian informed the Board wanted to be assured the lots are not built on residential soil.

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

Salim Bagdadi, 789 Wyckoff Ave., informed the bus stop is located outside of his residence and the bus route drops at the same location in the morning and after school. Mr. Sherer advised of the need for sidewalks up and around Fairmount Ave. and Wyckoff Ave. He informed the final decision lies with the County, but the Board is requiring along Fairmount Ave.

Brett Coplin, 31 Franklin Street, informed the second location of a bus stop. He questioned traffic and if the residents would be permitted to make a left turn off of Jefferson St. Mr. Onello noted there should be no limitation for this development. Mr. Sinisi explained when use is a permitted use, the user is entitled to all the benefits of the permitted use. Mr. Scandariato informed there is no left turn prohibition off Jefferson St.

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

Mr. Scandariato advised that comments will be taken at this time and noted the procedure for same.

Motion to open the meeting to the public was made by Mayor Laforet, seconded by Mr. Donigian and declared unanimously carried by Mr. Sherer.

Salim Bagdadi, 789 Wyckoff Ave., expressed his concern regarding safety, especially with traffic along Wyckoff Ave. He held concerns regarding the driveways along Wyckoff Ave. Mr. Scandariato advised the Board to not accept the reconfiguration of the lots by a professional engineer that is not present at this time, as the applicant was unable to cross-examine. Mr. Bagdadi explained the drainage pit that is fenced is an eyesore and he was not sure the proposed landscaping would withstand time. Mr. Sinisi objected to the statements being made regarding landscaping, etc... Mr. Bagdadi explained he had landscaped a large quantity with professional irrigation and portions did not withstand time. He expressed his opinion that an underground system for drainage would be best to avoid the eyesore. He was concerned the water would not drain within a proposed period of time.

Mr. Bagdadi expressed his opinion the site should have a Phase II study conducted due to its historic use. He also suggested the lots be reconfigured to move the driveways off of Wyckoff Ave. as he felt the area was unsafe. In response to Mr. Sinisi, Mr. Bagdadi informed he had developed Peterson Place in Mahwah, Albert Ave. in Allendale and a ten-story building in New York City. Mr. Sinisi clarified that the County regulates the traffic requirements outside of Wyckoff Ave. In response to Mr. Sinisi, Mr. Bagdadi expressed his opinion that the site was compliant, but stressed that he did not feel it was safe.

Brett Moreng, 46 Franklin St., expressed his concerns regarding the physical appearance of the site neighboring his property. He was concerned about the clear-cutting of trees. He noted other companies would come and dump waste at this site, which was cleaned up only a year ago.

Brett Coplin, 31 Franklin St., questioned if the water main extension will be divided by the homeowners. Mr. Scandariato informed the Council would decide on the extension and loop. Mr. Coplin commented that he wanted the property developed, but the proposed is changing the nature of the community by cramming 10 homes into the area. Mr. Scandariato explained the Township Council adopts the Zoning Ordinance and they dictate that the requirements of the lot size are appropriate along with trees, setbacks, etc... Mr. Sinisi advised the applicant complied with those requirements.

June Stahl, 788 Wyckoff Ave. noted that there could be seepage from materials historically used on site, whether they were on pallets or not. She volunteers with the Ambulance and informed that backing into the homes on Wyckoff Ave. is difficult. Given the increase in traffic along this roadway, she believed there is a danger with an increased number of driveways onto this roadway.

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

Mr. Sinisi gave final statements, noting the testimony given was by an individual with experience with these types of projects. The application is in full compliance with the ordinance and the applicant has taken the extra step to make concessions to satisfy much of the Board's and professional's concerns.

At this time, Mr. Lo Iacono excused himself from the meeting.

Mr. Sinisi advised the applicant will meet all requirements and obligations by the State and County as they have done thus far with the Township.

In response to Mayor Laforet, Mr. Kelly advised there are other driveways on Wyckoff Ave. Mr. Sinisi explained the applicant was adding one, single-family driveway. There is a driveway across the street; he noted that Mr. Bagdadi has a driveway off Wyckoff Ave, which may be a shared driveway. Regarding the ambulance, the applicant is providing ample room to go into the driveway and people will have to respect the ambulance backing into the driveway.

At this time, Mr. Lo Iacono returned to the meeting.

In response to Mr. Sherer, Mr. Kelly explained if there is no evidence of materials being stored on site, then a Phase II study would not be recommended. If residue and known materials were stored, then it should be questioned. He noted that because the site is moving from commercial to residential, this should be a concern for the applicant as well to avoid issues after initial development.

In response to Mr. Donigian, Mr. Kelly explained the homeowner's association is responsible for the maintenance of the detention basin and a closed basin would be up to double the expense for construction. The Township has nothing to require a closed basin and there are performance and maintenance guarantees in place. The landscaping maintenance guarantee begins with this maintenance guarantee. If some does not last, then the Township will recommend the period restarts to ensure the plantings hold up. In response to Mayor Laforet, Mr. Onello explained the right-of-way and drainage improvements would need to be installed for the subdivision; the landscaping that is proposed around the detention basin would be an improvement with the perfected subdivision. The applicant agreed to install the arborvitae buffer when the detention basin is installed. In response to Mr. Sherer, the applicant agreed to provide landscaping early at the beginning of the project.

In response to Mr. Lo Iacono, Mr. Kelly explained the Board held control over the items in the developer's agreement (subdivision improvements). The developer for the subdivision is responsible for this planting (except for 2 replacement trees per lot as well as shade trees; the bonds are held until all is met). There are also performance guarantees for the individual lots as well. Mr. Sinisi noted this is a benefit of the developer's agreement; staging typically shows the sequence; and the Township has the ability to withhold COs as well. Mr. Kelly further noted the applicant was already installing additional landscaping along the front and side of the detention basin, which is a sufficient buffer along with a fence to address safety concerns. Mr. Donigian if there was a requirement for a detention basin setback; Mr. Kelly advised there were no such requirements. Mr. Onello explained it is currently proposed at 32 ft. and the homes are 45 ft. from the edge of pavement.

Conditions for approval were outlined as follows: the applicant agreed to provide deeds for all easements on site; a will-serve letter for water and sewer utilities; results of the Phase I study; extend the hydrant to the end of the cul-de-sac; provide cost of water main materials to extend water main on Wyckoff Ave. to the north including a fire hydrant; sidewalks on Fairmount Ave. from New Street to Wyckoff Ave. and Wyckoff Ave. to the property line; sidewalk contribution for other sidewalks and if Township wants to extend to Franklin, they will provide the funds for that; homeowner's association will be responsible for the maintenance of the detention basin; will install buffers as discussed' will address all comment in Boswell's letter (waiving 500ft drainage map); address affordable housing requirements; will provide drainage calculations and petition Council to vacate remaining portion of Jefferson St. that would remain.

Motion to approve the application with aforementioned conditions was made by Mayor Laforet and seconded by Mr. Donigian. A roll call of members present revealed 7 aye votes by Mayor Laforet, Mr. Donigian, Mr. Ervin, Mr. Grewal, Mr. Sherer, Mr. Howard, and Mr. Lo Iacono.

**IX. WORK SESSION:**

- A) NEW BUSINESS
- B) OLD BUSINESS
- C) COMMITTEE REPORTS

**X. ADJOURNMENT**

Motion to adjourn the meeting at 9:31 p.m. was made by Mr. Donigian, seconded by Mr. Howard and declared unanimously carried by Mr. Sherer.

Provided to the Planning Board  
on March 10, 2017 for approval  
at the Regular Meeting to be held  
March 13, 2017



Donelle Bright DeCouto  
Planning Board Recording Secretary