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September 14, 2021

OUR FILE NO. 210426

Chairman Jeremiah J. Crean and All Board Members
Township of Mahwah Planning Board
475 Corporate Drive
P.O. Box 733
Mahwah, New Jersey 07430

Re: Application of Fyke Road Estates, LLC
Premises: Block 21, Lots 21, 22, 23
1 Fyke Road, Mahwah, New Jersey ("Property")

Dear Chairman Crean and Board Members:

As you know, we represent Rio Vista Mahwah Homeowners Association, Inc. ("Rio Vista Mahwah") and Darlington Village Condominium Association, Inc. ("Darlington Village"). Rio Vista Mahwah is a community with 459 homes. Darlington Village is a community within Rio Vista Mahwah that consists of 62 homes which are also members of Rio Vista Mahwah (sometimes collectively the "HOA").

We have enclosed herewith the following Statements:

1. Certification of Gerald and Angela Castellano; and
2. Certification of Paul and Jane Borovskis.

These Statements have been submitted to the New Jersey Department of Environmental Protection (DEP). But they contain facts relevant to the Mahwah Planning Board application as well, so they are also submitted as "statements" from the above persons in accordance with the relevant remote hearing regulations.

Fifty-One Years of Service

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Chairman Jeremiah J. Crean and All Board Members
Township of Mahwah Planning Board
September 14, 2021
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Please note that same are submitted in advance of the hearing as a result of this being a remote hearing meeting. They are submitted pursuant to the Department of Community Affairs (DCA) regulations pursuant to *N.J.A.C. 5:39-1.49(f)*.

Notwithstanding same and this submission in advance of the meeting, we expect the above persons to be available for testimony at the appropriate time.

Thank you for considering this information.

As we have requested in the past, please have this letter and these Certifications posted on the Planning Board website listed with this application so this is available to the public.

Respectfully yours,

John J. Lamb

John J. Lamb

JJL:lb
Enclosures

cc: Ms. Geraldine Entrup (Planning Board Administrative Officer)
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Bruce E. Whitaker, Esq. (Applicant's Attorney)
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Rio Vista Mahwah Homeowners Association, Inc.
Attn: All Board Members
Darlington village Condominium Association, Inc.
Attn: All Board Members
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(201) 573-1810
Attorneys for Appellants,
Rio Vista Mahwah Homeowners Association, Inc.
and Darlington Village Condominium Association, Inc.

Permittee: Fyke Brook Estates, LLC
1 Sears Dr., Suite 104
Paramus, NJ 07652

Permit No. 0233-20-0007.1 LUP 210001
Permit No. 0233-20-0007.1 FWW 200001

Subject Premises: 1 Fyke Road (a/k/a Fike)
Block 21 – Lots 21, 22 & 23
(and Lot 1)
Twp. of Mahwah,
Bergen County, NJ

Submitted in connection with:

Adjudicatory Hearing Requests;
Request for Enforcement of Conditions of
Existing Permits and Approvals;
Request to Re-open Review of Permits and
Approvals under Conditions; and
Notice of Violations of Conditions

**NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

**DIVISION OF LAND USE
ENFORCEMENT
-AND-
OFFICE OF LEGAL AFFAIRS**

**CERTIFICATION OF
GERARD CASTELLANO
AND ANGELA CASTELLANO
(As to disappearance of
stream and filling of pond)**

Gerard Castellano and Angela Castellano, hereby certify as follows:

A. BACKGROUND

1. We are both residents of the Township of Mahwah and own our home located at 6 Manor Drive, Mahwah, New Jersey (the "Home"). Our home is also known as Block 21.03, Lot 1.

2. Our Home is located in the Darlington Village Condominium complex and is a detached single-family home.

3. We are also members of the Rio Vista of Mahwah Homeowners Association, Inc. Darlington Village is a section of Rio Vista Mahwah.

4. We purchased our home in 1999. We have continuously lived there since that time as our primary residence.

5. Our Home is immediately adjacent to the 5+ acre parcel previously owned by John Merrill. That is the property now the subject of a development application by Fyke Brook Estates, LLC (the "Property"). The Fyke Brook separates our rear yard from the subject Property.

6. Our Home is at a much higher elevation than the subject Property. As such, we can look down and over the Property and have a good view of all of it at various times of the year as noted below.

B. THE STREAM THAT DISAPPEARED—WITH THE POND THAT SHRUNK

7. We have observed the stream that was previously located on the Property. It ran down from Seminary Drive and over the Property and previously connected directly to the pond. That stream did not connect directly to Fyke Brook but ran directly into the pond.

8. We have reviewed the 2005 GZA Site Plan and that is an accurate general location of the stream to the best of our knowledge that was previously on the Property. A copy of that 2005 Site Plan is attached as **Exhibit "A"**. The stream is shown in blue on that exhibit and notes it is 10 feet wide.

9. We observed that the stream fed directly into the pond and connected to it until sometime around the mid-2000's which to the best of our knowledge was around 2006-2007.

10. While the stream was in existence in the early to mid- 2000's, at some point in time after around the middle of the 2000's, around 2006-2007, the stream was no longer visible.

11. We usually have a clear view of the Property from the late fall, winter, and early spring, but the view is not as good in the end of the spring and summer when the trees partially block our view of the Property.

12. In the mid-2000's, the stream was no longer there and the pond also appeared to dry up. The pond is also smaller than it had been in the decade in the 2000's.

13. There was activity during this time on the Property throughout the 2000's and more recently until it stopped a little more than a year ago. There was a constant influx and movement of trucks and the Property was used as a junk yard.

14. There were many trucks that frequently and routinely dumped debris on the Property. Then that debris or junk or property was constantly being moved on the Property. There was a great deal of soil movement on the Property.

15. We also observed construction vehicles which moved and changed the grade and moved the dirt on the Property.

16. To the best of our knowledge, we never received any notice of any NJDEP permit or approval applications for the Property.

17. To the best of our knowledge, we never received any notice of any land use or zoning or soil movement application on the Property (except for the current Planning Board application of Fyke Brook Estates, LLC).

18. Gerald is presently a financial adviser and broker with a Series 7 securities license. Angela is a nurse.

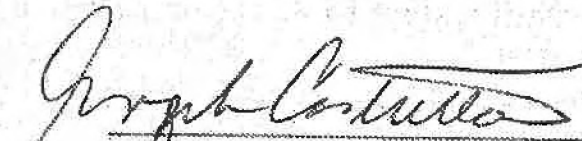
19. This Certification is made to document the prior existence of the stream, and the pond which was previously fed by the stream until it dried up shortly after the stream disappeared and is now smaller than in prior years.

20. We certify that the foregoing statements are true and correct to the best of our knowledge. We are aware that if any statement is willfully or intentionally false, we are subject to punishment.

Date: September 13, 2021


Gerald Castellano

Date: September 13, 2021


Angela Castellano

[Exhibit “A” to Castellano Certification]

IN VICTIVE -
GA SOLINE
UST
AE IANDON,
WE LL

T7

DRAINAGE SWALE

DOOR 30' 00" (TAX MAP)

TAX MAP LOT 22
BLOCK 21

SUSPECTED
BURIED
OBJECTS

CONTRACTOR
STORAGE
TRAILERS

POND

CAR CRUSH
TAX MAP LOT 21
BLOCK 21

268.15' (TAX MAP)

180.15' (TAX MAP)

180.15' (TAX MAP)

E/O STREAM

Brook 2

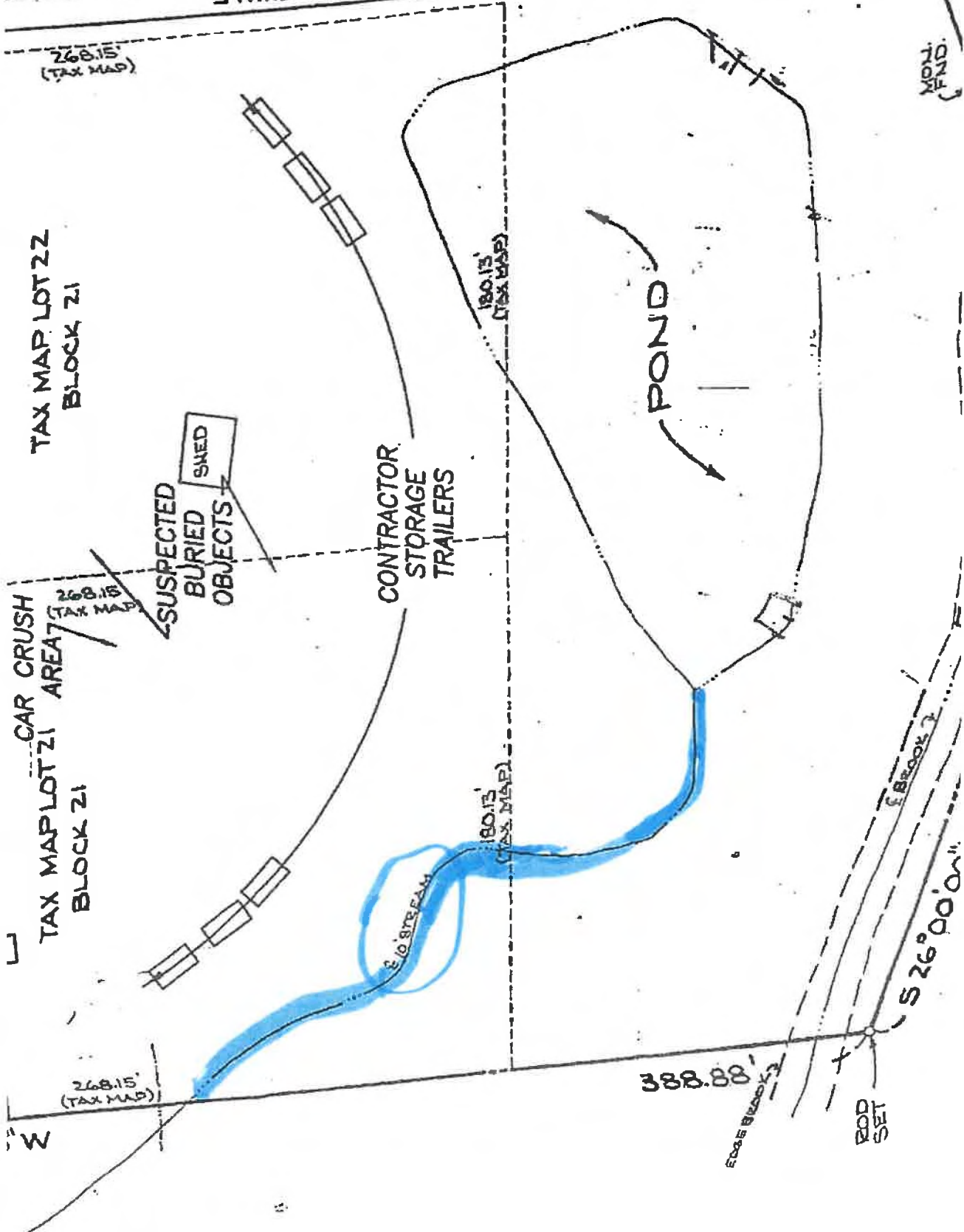
S 26° 00' 00" ON

268.15' (TAX MAP)

388.88'

EDGE BLOCK 21

ROD SET



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BEATTIE PADOVANO, LLC
200 Market Street, Suite 401
Montvale, New Jersey 07645
(201) 573-1810
Attorneys for Appellants,
Rio Vista Mahwah Homeowners Association, Inc.
and Darlington Village Condominium Association, Inc.

Permittee: Fyke Brook Estates, LLC
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Notice of Violations of Conditions

**NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

**DIVISION OF LAND USE
ENFORCEMENT
-AND-
OFFICE OF LEGAL AFFAIRS**

**CERTIFICATION OF
PAUL BOROVSKIS
AND JANE BOROVSKIS**

**(AS TO POND ON PROPERTY
AND DUMPING, EXCAVATION
AND SOIL MOVEMENT
ACTIVITIES ON PROPERTY)**

Paul Borovskis and Jane Borovskis, husband and wife, hereby certify as follows:

A. BACKGROUND

1. We are both residents of the Township of Mahwah and own our home located at 10 Manor Drive, Mahwah, New Jersey (the "Home"). It is known as Block 21,03, Lot 1, Qualifier C0003, on the Mahwah Tax Map.

2. Our home is located in the Darlington Village Condominium complex and is a detached single-family home.

3. We are also members of the Rio Vista of Mahwah Homeowners Association, Inc. Darlington Village is a section of Rio Vista Mahwah.

4. We purchased our home in 2015. We have continuously lived there since that date as our primary residence.

5. Our Home is immediately adjacent to the 5+ acre parcel previously owned by John Merrill. That is the property now the subject of a development application by Fyke Brook Estates, LLC (the "Property"). The Fyke Brook separates our rear yard from the subject Property.

6. Our Home is at a much higher elevation than the subject Property. As such, we can look down and over the Property and have a good view of all of it at various times of the year, especially of the pond area as further discussed below.

7. We also have familiarity with the Property even before we purchased the Property in 2015. That is because we purchased the house from Jane's brother. He had in turn purchased the Home from Jane's parents who had built the house around 1999 and lived there until Jane's brother bought the Home in 2012. In essence, the Home has been "in the family" since it was first built.

8. This also has resulted in the undersigned visiting the Home, long before we purchased it, since around 1999-2000 when it was built. We visited Jane's parents during this period of time on Holidays and occasions and as family members and continued those visits when Jane's brother purchased the Home. For about 21 years, we have been visiting family members at the Home, including for the last six years when we have owned the Home.

B. POND

9. I note that our Home is right behind the pond which is separated by the rear of our yard and Fyke Brook. We have a direct view of the pond during the time of year where the trees and landscaping do not obscure our view. Our Home is probably the closest to the pond than any other property owner.

10. Because of our special location right behind the pond, we will address the history and use of same.

11. That pond was previously much larger than it was now.

12. At the current time, on rain events, the water from the pond drains directly into Fyke Brook by a stream running from the pond directly to Fyke Brook. An example of this occurring was the recent heavy rainfalls in the area.

13. This area around the pond was also at some point raised so that one is able to walk around the edge of the pond. We can't however say when that occurred.

14. We know that the pond has been partially filled in.

15. We note that water is coming from some source and fills the pond periodically.

C. DUMPING AND EXCAVATION ON PROPERTY AND AROUND POND

16. The following has occurred on the Property and around the pond:

- there were oil tanks in the area that were discarded on the site;
- there was landscaping and tree debris dumped in the area;
- there was also scrap operations undertaken on the Property and around the pond.

17. In the last few years, there was in particular a scrap operator who would bring dumpsters to the site. He would dump the dumpsters on the Property and scatter through the debris and use the scrap he could salvage and then take or pile those materials he was salvaging.

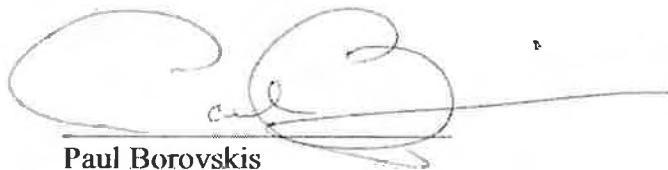
25. We believe that the backhoe and heavy equipment dug very deep into the ground, but can't say the exact depth of this excavation and the materials and debris from the dumpsters processed on the Property were being buried. (We assume the depth of digging and dumping can be documented though.)

26. We were one of more than 200 people who signed a petition submitted to the Mahwah Planning Board which expressed concern of the environmental condition and hazardous wastes on the Property. We signed that Petition because we knew of the operations there since at least 2015 and were extremely concerned, as the Home closest to the pond and next to Fyke Brook.

27. This Certification is made to document the background of the pond, the grading and soil movement on the Property, and excavation on the Property, especially with the dumpster operator.

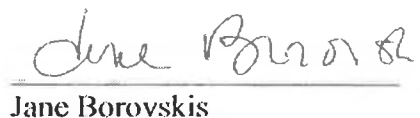
28. We certify that the foregoing statements are true to the best of our knowledge. We are aware that if any of the foregoing statements are willfully false, we are subject to punishment.

Dated: September 13, 2021



Paul Borovskis

Dated: September 13, 2021



Jane Borovskis