

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR /WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, JUNE 8, 2020 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 via Remote Zoom Conference was called to order at 7:35 p.m. by Mr. Crean. The Opening Statement was read according to the Sunshine Law followed by the flag salute and a reminder that Planning Board meetings are being videotaped and broadcast live.

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 at 7:36 p.m.
Mr. Ervin
Ms. Galow
Mr. Lo Iacono
Mr. Olear
Mr. Van Duren

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

The following individuals were absent:

Mr. Grewal
Ms. Jankowski
Mr. Pallotta

III. APPROVAL OF BILLS:

Phillips Nizer	January 2020	General	\$ 561.00
Phillips Nizer	February 2020	General & Litigation	\$1,303.50
Phillips Nizer	March 2020	General & Litigation	\$3,234.00
Peter Scandariato	4/20/2020	Meeting Attendance	\$ 250.00
Maser Consulting	4/20/2020	Meeting Attendance	\$ 200.00

A motion to approve the above bills was made by Mr. Lo Iacono and seconded by Mr. Van Duren. A roll call of members present revealed 7 aye votes by Mayor Roth, Mr. Crean, Mr. Ervin, Mr. Lo Iacono, Mr. Olear, Mr. Van Duren and Ms. Galow.

IV. APPROVAL OF MINUTES:

1. February 10, 2020

A motion to approve the minutes was made by Mr. Olear and seconded by Ms. Galow. A roll call of members present revealed 7 aye votes by Mayor Roth, Mr. Crean, Mr. Ervin, Mr. Lo Iacono, Mr. Olear, Mr. Van Duren and Ms. Galow.

2. February 24, 2020

A motion to approve the minutes was made by Mr. Ervin and seconded by Ms. Galow. A roll call of members present revealed 5 aye votes by Mayor Roth, Mr. Crean, Mr. Ervin, Mr. Lo Iacono and Ms. Galow.

V. RESOLUTIONS FOR MEMORIALIZATION:

1) E-BD-216-3225 – Great Hall Development LLC

30 Great Hall Road, Block 23.03, Lot 9

Soil Movement Permit Application for the Construction of a single family home, Resolution of Dismissal

A motion to adopt the resolution to dismiss the application was made by Mr. Van Duren and seconded by Mr. Lo Iacono. A roll call of members present revealed 6 aye votes by Mr. Crean, Mr. Ervin, Mr. Lo Iacono, Mr. Olear, Mr. Van Duren and Ms. Galow.

VI. OPEN TO THE PUBLIC – 15 MINUTES:

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

No one wishing to be heard, a motion to close the meeting to the public was made by Mr. Ervin and seconded by Ms. Galow. All voted in favor.

VII. PUBLIC HEARINGS:

1. E-BD-216-3234 – Mr. V. Labarbiera

1 Farmstead Road, Block 23, Lot 55.01

Soil Movement Permit Application, Construction of a single family home, Movement of Soil exceeds 1,000 cubic yards.

Mr. Van Duren recused himself from the Application.

Mr. Scandariato confirmed that proper notice had been provided for the Application.

Mr. Vincent Labarbiera provided the Board with the history of his relationship with the Township of Mahwah as a longtime Mahwah resident and developer.

Mr. Labarbiera of 2 Patriots Lane, Upper Saddle River and Mr. Tibor Latincsics of Conklin Associates at 29 Church Street in Ramsey NJ were sworn in. Mr. Latincsics provided his credentials and was accepted by the Board as an expert Professional Engineer witness.

Mr. Latincsics explained that Conklin Associates was the project engineer on this application. Mr. Latincsics described the site as referenced in the submitted plans dated June 28, 2007. Mr. Latincsics explained that this is the last vacant lot in the Vista Bahn Major Subdivision. Mr. Latincsics described the Winter's House historic structure and detention basin that are located at this site. Mr. Latincsics noted that there is a LOI (NJDEP Wetlands Line of Interpretation) regarding the extensive wetlands. Mr. Latincsics reviewed the zoning requirements and proposed soil movement quantities. Mr. Latincsics stated that the single family home would be fully conforming to Township Zoning requirements. Mr. Latincsics discussed the trees that would be removed and those that would be replaced.

Mr. Kelly reviewed his letter dated May 19, 2020. Mr. Kelly discussed the previous approvals that were received for this site. Mr. Kelly questioned the trees depicted on the plan. Mr. Latincsics explained that the trees shaded in yellow are trees that will currently be removed and that trees shaded in gray were previously removed during subdivision improvements. Mr. Kelly stated that the Winter's House and Well House were to remain on the site and not be used as living quarters. Mr. Kelly stated that it is the Applicant's responsibility to maintain the Winter's House. Mr. Kelly requested that Mr. Latincsics provide additional information on the impervious area improvements and drainage information from the 2004 approval. Mr. Kelly also requested a document confirming that the NJDEP wetlands line was still reliable.

Mr. Crean requested that concrete monuments be placed at the property lines. Mr. Latincsics testified that the Applicant would verify what exists and provide the concrete monuments if needed.

Mr. Latincsics testified that the Applicant would look into keeping the tree that the Environmental Commission specified but clarified that it may not be possible due to the slope.

The Historic Preservation Commission's review indicated that they have been working with Mr. Labarbiera on improvements to the Winter's House. Mr. Latincsics testified that this historic structure would be maintained by Mr. Labarbiera.

There was discussion regarding the detention basin maintenance and measures to protect the area while building. Mr. Latincsics stated that the maintenance of the Basin is the responsibility of the Association.

Mr. Labarbiera explained that improvements to the outside of the Winter's House would be under the jurisdiction of the Historical Commission and that any inside structural work would require approvals from the Township Construction Department as was done with Crocker Mansion.

There was discussion regarding the wording of the resolution in order to protect these Historic Structures. Mr. Scandariato indicated that the conditions of the initial approval would continue to provide this protection.

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

Mr. Bruce Whitaker of McDonnell & Whitaker of Ramsey, NJ, commented that he represented the Applicant when this subdivision was created. He explained that the Winter's House is "deed restricted" so all of the conditions of the original Vista Bahn Subdivision would "run with the land".

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

A motion to conditionally approve the application was made by Mr. Donigian and seconded by Ms. Galow. A roll call of members revealed 7 aye votes by Mayor Roth, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Lo Iacono, Mr. Olear and Ms. Galow. Mr. Van Duren did not vote as he had recused himself from this Application.

The Board agreed that the Applicant could work to obtain the required permits and proceed at their own risk, prior to this approval being memorialized.

2. E-BD-216-3239 – Mr. G. Silberstein and Ms. S. Silberstein

4 Robin Road, Block 124, Lot 1

Soil Movement Permit Application, Construction of a single family home,
Movement of Soil exceeds 1,000 cubic yards.

Mr. Van Duren stated that he was no longer recused and would participate in this Public Hearing.

Mr. Bruce Whitaker of McDonnell & Whitaker of Ramsey, NJ stated that he is representing the Applicants regarding this Soil Movement Permit Application. Mr. Whitaker gave an overview of the Application for this single family home that is fully conforming to Township Standards. Mr. Whitaker explained that the Applicant had submitted a Storm Drainage report dated April 6, 2020, a Plot Plan dated March 6, 2020 and revised on April 23, 2020.

Mr. Douglas Doolittle, P.E., of McNally Doolittle Engineering, LLC at 169 Ramapo Valley Rd, Oakland, NJ, presented his credentials and was accepted by the Board as an expert witness in the field of engineering. Mr. Doolittle reviewed the submitted plans which he testified had been prepared by his office. Mr. Doolittle described the location, area and existing conditions on the Site. He testified that the Applicant proposed to construct a new single family dwelling and related improvements on the Site which will comply with all Township requirements. Mr. Doolittle reviewed the proposed movement of soil required in connection with the construction of the proposed dwelling and associated improvements.

There was discussion regarding the tree removal associated with the development.

Mr. Doolittle testified that the Applicants would provide all of the information and comply with all of the requirements in Mr. Kelly's report dated May 26, 2020.

Mr. Scandariato testified that proof of publication and notice was submitted and in order.

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

No one wishing to be heard, a motion to close the meeting to the public was made by Mr. Donigian and seconded by Ms. Galow. All voted in favor.

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

The Board agreed that the Applicant could work to obtain the required permits and proceed at their own risk, prior to this approval being memorialized.

VIII. WORK SESSION:

A) NEW BUSINESS:

Mr. Scandariato provided an update regarding the Crossroads settlement and litigation. Mr. Scandariato explained that he was invited to be a part of a mediation meeting, that he planned to attend and that he would provide the Board with an update after the meeting. Mr. Scandariato also noted that Paks Fast Service, who was involved in another legal matter with the Township, would also be a part of the mediation meeting.

There was further discussion of the history of findings regarding this matter and the role that the Planning Board is responsible for.

B) OLD BUSINESS:

1. Ms. Galow asked for an update on the Area in Need of Redevelopment. There was discussion that a draft of the investigative study was being reviewed and that once a date was set for the Public Hearing, the process of noticing would begin.

C) COMMITTEE REPORTS: None

IX. ADJOURNMENT:

A motion to adjourn the meeting at 8:22 p.m. was made by Ms. Galow and seconded by Mr. Van Duren. All voted in favor.

These minutes were prepared by Mary Jo Wood, Planning Board Secretary. The minutes were provided to the Planning Board on October 7, 2020 for approval at the Regular Meeting to be held October 12, 2020.