

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR /WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, AUGUST 10, 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 7:40 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. It was noted that adequate notice of the meeting was provided specifying that this meeting would be held remotely and that electronic notice of both general access instructions and specific meeting invitations were posted to the Township Website.

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:

Mr. Crean
Mr. Donigian
Ms. Galow
Mr. Grewal
Ms. Jankowski
Mr. Lo Iacono
Mr. Olear
Mr. Pallotta
Mr. Van Duren

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

The following individuals were absent:

Mayor Roth
Mr. Ervin

III. APPROVAL OF BILLS: None to Present

IV. APPROVAL OF MINUTES: None to Present

V. RESOLUTIONS FOR MEMORIALIZATION:

1. Review of Proposed Ordinance #1912 – “An Ordinance of the Township of Mahwah, Amending and Supplementing Chapter XXIV “Zoning” of the Land Development Code to establish a new MUD-2 Mixed-Use Development Zone and to set forth the standards and criteria applicable thereto.” Resolution of Review

A motion to adopt the resolution was made by Mr. Lo Iacono and seconded by Mr. Donigian. A roll call of members present revealed 7 aye votes by Mr. Crean, Mr. Donigian, Mr. Grewal, Mr. Lo Iacono, Mr. Van Duren, Ms. Jankowski and Ms. Galow.

VI. OPEN TO THE PUBLIC – 15 MINUTES:

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

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

VII. PUBLIC HEARINGS:

1. Docket #603PF – Laurjo Construction Company

387 Campgaw Rd and 4 Decker Court, Block 148, Lots 7 & 43
Preliminary Major Subdivision, Soil Movement Permit Application

Mr. Raphael Jacobs of Mueller Law Group at 19 Engle St, Tenafly, NJ 07670 stated that he is representing the Applicant. Mr. Jacobs explained that the Major Subdivision Application proposes to create four (4) lots. One lot would be the property at 387 Campgaw Road which includes an existing home. Two new lots would be created with access from the extension of the Deerfield Terrace cul-de-sac. Mr. Jacobs stated that the remaining property would be appended to Lot 7 which is at 4 Decker Court.

Mr. Jacobs explained that Mr. Kelly’s report of July 20, 2020, specified that a variance would be required based on the lot depth calculation. Mr. Jacobs questioned this interpretation but stated that if the Board agreed with Mr. Kelly’s report, the Applicant would amend the application to request the variance.

Mr. Jacobs also discussed the Bergen County Planning letter of June 18, 2020 which suggested that instead of extending Deerfield Terrace creating additional impervious surface, that the new lots, 43.01 and 43.02 split the 50 foot frontage on Deerfield terrace with lot access via individual driveways.

Mr. Kelly indicated if the Applicant wanted to change how lots 43.01 and 43.02 were accessed, this would be a major change to the application. Mr. Kelly indicated that such a change should be reviewed by the Police and Fire Departments. Mr. Kelly also indicated that the variances required would change.

Mr. Steven Koestner of Koestner Associates at 61 Hudson Street, Hackensack, NJ, was sworn in, provided his credentials and was accepted by the Board as an expert Engineer and Land Surveyor. Mr. Koestner explained that the County's suggestion of using a driveway for access would create a variance situation regarding the lot frontage for lots 43.01 and 43.02. There was additional discussion regarding the option of using the driveways versus the extension of the cul-de-sac. Mr. Kelly indicated that the Applicant needed to decide how they wanted to move forward with the application.

Mr. Jacobs suggested that they would provide the Police and Fire Department with a proposal using driveway access but requested that the Public Hearing continue with the proposed cul-de-sac in the meantime.

Mr. Koestner continued with his testimony sharing a visual display of the Major Subdivision Plans dated January 27, 2020 with the latest revision date of July 29, 2020. Mr. Koestner reviewed the existing conditions of the property. Referring to Sheet 2 of the plans, Mr. Koestner showed where the new lots would be and how the existing properties at 387 Campgaw Road and 4 Decker Court would change. Mr. Koestner reviewed the conforming lot requirements and the zoning schedule on Sheet 3 of the plans. Mr. Koestner discussed the design waiver regarding the cul-de-sac design. He explained that the right-handed cul-de-sac was used to meet the zoning requirements. Mr. Koestner continued with review of Sheet 4 discussing the drainage plan and explaining that the existing cul-de-sac would be removed. He discussed how the driveway on lot 35 might be modified. Mr. Koestner reviewed the soil movement quantities on Sheet 5 of the plans as well as the construction details and additional drainage proposal on Sheet 6. Mr. Koestner discussed the sanitary sewer capacity. There was also discussion of the retaining wall on lot 43.02. Mr. Koestner explained how this was being used to manage the slope.

Mr. Kelly reviewed his report of July 20, 2020. Mr. Kelly indicated that the Environmental Commission requested a report regarding tree removal and replacement. The Board indicated that it would also like the Applicant to provide that information as part of the Soil Movement Permit Application.

Mr. Kelly requested that Mr. Koestner provide lot depth dimensions for both Lot 43.02 and Lot 43.03. Mr. Kelly said that he was not opposed to the 500 foot drainage waiver request. Mr. Kelly also noted that the owner of Lot 43.02 would be required to maintain the seepage pit on this proposed lot. Mr. Kelly stated that the Applicant would provide individual plot plans and reiterated that the Applicant would consider the north lot line as a rear lot line and that this would be indicated on a future plan. Mr. Kelly discussed the process of the vacation of land to the Township for the cul-de-sac. Mr. Kelly discussed that this would include the relocation of the existing hydrant. Mr. Kelly clarified that the Soil Movement Permit Application would include both the subdivision and the individual lots but the Applicant would be required to provide a Plot Plan for the individual lots. Mr. Kelly explained that during the Conceptual review of this subdivision, there was discussion about limiting the further subdivision of Lot 7 by using deed restrictions. Mr. Jacobs indicated that the Applicant was not agreeable to the deed restrictions.

There was further discussion regarding the 500 foot drainage waiver and how the easement

regarding the existing cul-de-sac would be released. Mr. Koestner noted that the repairs such as the driveway and curbing for Lot 35 would be responsibility of the Applicant.

There was discussion regarding the existing rock walls throughout the property. Mr. Joseph Gassib of 4 Decker Court in Mahwah, NJ was sworn in. Mr. Gassib explained that there are a few rock walls that are hundreds of years old and that they would be left "as is" where possible.

Ms. Lawlor discussed some corrections that should be reflected on subsequent plans. Mr. Koestner stated that the new cul-de-sac would be dedicated or turned over to the town.

Mr. Crean requested the tree removal report and that the Fire, DPW and Water departments need to review an updated utilities plan. There was lengthy discussion regarding the deed restriction for proposed Lot 7.01 that would limit subsequent subdivisions.

A motion to open the meeting to the public was made by Mr. Lo Iacono and seconded by Mr. Pallotta. All voted in favor.

Mr. John Fesen of 20 Falcon Court reiterated the desire to have a deed restriction placed on Lot 7.

Mr. Scandariato indicated that this was the time to ask questions of the expert.

Ms. Geraldine Marson of 143 Deerfield Terrace asked why the subdivision access was proposed to come off of Deerfield Terrace and not Decker Court. Mr. Koestner explained that this layout best fit the geography of the land. There was discussion about the possible use of Decker Court and the frontage available there.

Ms. Kelly Royce of 200 Deerfield Terrace, Lot 36 asked about why the homes were placed in these specific locations. Mr. Koestner explained that these were conceptual plans and that the plot plan for development would be provided at time of development. There was discussion about how the property at Lot 36 would be protected from drainage problems. Mr. Koestner explained that the individual lot plot plans would include run-off calculations and show that seepage pits provided would insure zero increase in runoff on the site. Mr. Kelly also indicated that review of the plot plans for these individual homes would be done by the Township Engineer's office based on the Township Code requirements.

Mr. John Jurjevic of 179 Deerfield Terrace, Lot 34, voiced concerns about drainage and the seepage tanks. Mr. Jurjevic asked how he would know that the seepage pits are adequate and if they weren't adequate what could be done. Mr. Koestner explained how these run off calculations are reviewed by the Township Engineer. Mr. Jurjevic asked if the Applicant would provide guarantee that he doesn't get water. Mr. Koestner reiterated what the review process was and that it is designed to capture the runoff of the 25 year storm. Mr. Kelly also discussed the standard stormwater procedures and requirements.

Ms. Geraldine Marson of 143 Deerfield Terrace asked if it was the intention of Laurjo Construction to sell the new lots to a developer. Mr. Gassib said he may sell the lots or may

develop them himself. He stated that he was not sure at this time. Ms. Marson noted that she is also concerned with runoff water.

Ms. Kelly Royce of 200 Deerfield Terrace asked about the utility pole being moved. Mr. Koestner explained that it would be up to the utility company to determine the new pole location.

Mr. Robert Rosborough at 167 Deerfield Terrace, Lot 33, asked if the town would be liable for drainage issues if the waiver for the 500 foot drainage map has been waived. Mr. Kelly reviewed that the requirement for the Applicant to document drainage plans with zero increased runoff were not being waived. Mr. Rosborough asked if the future subdivision of Lot 7 should be considered now. Mr. Kelly explained that future applications would be reviewed at that future time. Mr. Rosborough asked if the driveway plan should be considered. Mr. Scandariato explained that the Board is reviewing what has been proposed at this time.

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

Mr. Scandariato suggested that more research be done regarding the deed restriction while the Applicant worked to provide the tree removal plans and updated plans.

As Mr. Jacobs requested, Mr. Crean stated that this Application was to be carried to September 24, 2020 with no further notice required.

VIII. WORK SESSION:

A) **NEW BUSINESS:**

1. Mr. Scandariato discussed the August 2020 draft he received of the 2020 Master Plan Reexamination and Master Plan Amendment Report written by Maser Consulting regarding Chapter 24 of the Township Code on Zoning. Mr. Scandariato proposed that the lengthy report be circulated and that Board members submit questions prior to the next meeting so that Maser Consulting will have the opportunity to prepare answers to any questions or concerns.

B) **OLD BUSINESS:** It was noted that until further notice, all meetings will be held via the remote Zoom environment.

C) **COMMITTEE REPORTS:** None

IX. ADJOURNMENT:

A motion to adjourn the meeting at 9:38 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 22, 2020 for approval at the Regular Meeting to be held October 26, 2020.