

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR /WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, FEBRUARY 8, 2021 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 7:30 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:

Mayor Wysocki
Mr. Crean
Mr. Donigian
Mr. Ervin
Ms. Galow
Mr. Goldstein
Mr. Lo Iacono
Mr. Pallotta

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

The following individuals were absent:

Mr. Grewal
Mr. Olear
Ms. Jankowski

III. APPROVAL OF BILLS: None to Present

IV. APPROVAL OF MINUTES:

1. December 21, 2020

A motion to approve the above minutes was made by Mr. Pallotta and seconded by Mr. Lo

Iacono. A roll call of members present revealed 6 aye votes by Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Lo Iacono, Mr. Pallotta and Ms. Galow.

2. January 11, 2021 Reorganization & Regular

A motion to approve the minutes from both the Reorganization and Regular meeting was made by Mr. Donigian and seconded by Mr. Pallotta. A roll call of members present revealed 8 aye votes by Mayor Wysocki, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Goldstein, Mr. Lo Iacono, Mr. Pallotta and Ms. Galow.

V. RESOLUTIONS FOR MEMORIALIZATION:

1. **Review of the Township of Mahwah Department of Public Works Capital Project.** A presentation of the proposed Department of Public Works Capital Project was provided to the Board as per N.J.S.A. 40:55D-31. The Planning Board reviewed the proposed capital improvements, making appropriate recommendations and findings regarding consistency with the Township of Mahwah Master Plan. Resolution of Review.

There was discussion about the recommendations made to the Township Council regarding Electric Vehicle Charging Stations, D.E.F tanks, solar panels, curbing and landscaping.

A motion to adopt the above resolution was made by Mr. Donigian and seconded by Ms. Galow. A roll call of members present revealed 7 aye votes by Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Goldstein, Mr. Lo Iacono, Mr. Pallotta 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 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. Ervin and seconded by Mr. Pallotta. All voted in favor.

Mr. Crean indicated that the Work Session New Business application would be heard before the Public Hearings.

VIII. WORK SESSION:

A) NEW BUSINESS:

1. Docket #615 – June Stahl
Jefferson Street - Adams Court, Block 178, Lot 1
Minor Subdivision Application

Mr. Alfred Maurice of Springstead & Maurice Attorneys at Law LLC, at 21 Main Street Court Plaza, South East Wing, Hackensack, N.J., stated that he was representing the client. Mr. Maurice provided an overview of the proposed minor subdivision.

Mr. Michael Hubschman of Hubschman Engineering, P.A at 263A S. Washington Ave, Bergenfield, NJ was sworn in, provided his credentials and was accepted by the Board as an expert in Engineering and Planning. Mr. Hubschman presented the Minor Subdivision Plat dated August 31, 2020 which was submitted with the application. Mr. Hubschman, described the property and pointed out where the existing lot would be subdivided into two lots. Mr. Hubschman explained that proposed Lot 1.01 was to be purchased by the developer of a neighboring subdivision on Adams Court. Mr. Hubschman stated that the developer requested the size of the proposed new lot.

Mr. Kelly noted that a waiver would be needed for the non-conformity of frontage upon a street as proposed Lot 1.02 will have frontage on Highland Place which is an improved road, but not an approved road and Jefferson Street which is a paper Street, not improved or approved.

Mr. Hubschman testified that the Applicant would be filing for the Minor Subdivision by deed and agreed to provide the deed descriptions to the Township Engineer and Attorney for approval.

A motion to conditionally approve the application was made by Mr. Donigian and seconded by Mr. Goldstein.. A roll call of members present revealed 8 aye votes by Mayor Wysocki, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Goldstein, Mr. Lo Iacono, Mr. Pallotta and Ms. Galow.

VII. PUBLIC HEARINGS:

1. E-BD-216-3303 - Mahwah NL Cedars Developer, LLC

12 Arbor Lane, Blk 126, Lot 129.05

Soil Movement Permit Application for the Construction of a single family home.

Soil Movement Exceeds 1,000 cubic yards, Floor Elevation deviates by more than one and one-half (1.5) feet from elevations proposed within the approved Subdivision.

Ms. Lili Maloof who is the in-house Attorney for the owners Mahwah NL Cedars Developer, LLC at 3 Empire Boulevard in South Hackensack explained that she was representing the Applicant. Ms. Maloof testified and Mr. Scandariato confirmed that the proper notice and publication had been provided. Ms. Maloof provided a brief overview of this Soil Movement Permit Application for a single family home.

Mr. Tibor Latincsics, P.E., P.P. of Conklin Associates at 29 Church Street, Ramsey, NJ was sworn in, provided his credentials and was accepted as an expert engineer. Mr. Latincsics gave a history of the original major subdivision (Docket #524) that created this lot. Mr. Latincsics displayed the Soil Erosion, Sediment Control & Plot Plan dated March 3, 2016 and revised October 20, 2020. Mr. Latincsics described the existing property and the plan for the newly proposed single family home. Mr. Latincsics explained that in 2016 the Planning Board had approved a different Soil Movement Permit Application (E-BD-216-2893) for this specific lot. Mr. Latincsics explained that this new proposal was for a smaller home and reviewed the new soil movement amounts required. He testified that the Applicant previously received a waiver

to create slopes up to 1V:3H as part of the subdivision approval and was not seeking anything further. Mr. Latincics explained that a detention basin was completed as part of the subdivision and that the two proposed seepage pits would be used on this lot to manage roof runoff. He explained that the smaller home and location change had resulted in modifications to the floor elevation. Mr. Latincics reviewed the tree removal plan, confirming that the Applicant would replace 9 trees of a tree species approved by the Township Engineer.

Mr. Kelly discussed the increase in the floor elevation explaining that the Applicant must receive Planning Board approval for elevations that deviate from the approved elevations by more than 1.5 feet. Mr. Kelly stated that the new plan was in substantial conformance to the previously approved subdivision plan. Mr. Latincics testified that the applicant will comply with all of the requirements set forth in the Township Engineer's report dated January 14, 2021.

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

Mr. Michael Allora of 19 Masonicus Road was concerned that the empty lot on Masonicus Road might be used as a cut thru for vehicles moving soil. Mr. Allora asked for a guarantee that all soil would be moved using Tree Farm Lane. Mr. Latincics confirmed that the travel route would use Tree Farm Lane to Masonicus Road and no truck traffic would cut through lot 129.02 to Masonicus Road. Mr. Latincics explained that there was going to be development and construction activity on 129.02 but that traffic would use Tree Farm Lane.

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

A motion to conditionally approve the application was made by Mr. Donigian and seconded by Mr. Goldstein. A roll call of members present revealed 8 aye votes by Mayor Wysocki, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Goldstein, Mr. Lo Iacono, Mr. Pallotta and Ms. Galow.

2. E-BD-216-3316 - Mahwah NL Cedars Developer, LLC

15 Arbor Lane, Block 126, Lot 129.03

Soil Movement Permit Application for the Construction of a single family home.

Soil Movement Exceeds 1,000 cubic yards, Floor Elevation deviates by more than one and one-half (1.5) feet from elevations proposed within the approved Subdivision.

Ms. Lili Maloof who is the in-house Attorney for the owners Mahwah NL Cedars Developer, LLC at 3 Empire Boulevard in South Hackensack explained that she was representing the Applicant. Ms. Maloof testified and Mr. Scandariato confirmed that the proper notice and publication had been provided. Ms. Maloof provided a brief overview of this Soil Movement Permit Application for a single family home.

Mr. Tibor Latincics, P.E., P.P. of Conklin Associates at 29 Church Street, Ramsey, NJ was previously sworn in and was accepted as an expert engineer. Mr. Latincics displayed the Soil Erosion, Sediment Control & Plot Plan dated March 10, 2016 and revised January 25, 2021.

Mr. Latincsics described the existing property with the landscaped berm. He described the plan for the newly proposed single family home. Mr. Latincsics explained that in 2016 the Planning Board had approved a different Soil Movement Permit Application (E-BD-216-2892) for this specific lot. Mr. Latincsics reviewed the new soil movement amounts required. He showed that the location of the proposed dwelling had been revised and the basement level garage was changed to a ground level location. Mr. Latincsics explained that these changes resulted in modifications to the floor elevations. He testified that the Applicant previously received a waiver to create slopes up to 1V:3H as part of the subdivision approval and was not seeking anything further. Mr. Latincsics explained that the detention basin that was completed as part of the subdivision would be used along with the two proposed seepage pits on this lot to manage stormwater and roof runoff. Mr. Latincsics reviewed the tree removal plan, confirming that the Applicant would replace 4 trees at the rear of the property.

Mr. Kelly discussed the increase in the floor elevation and stated that the new plan was in substantial conformance to the original subdivision plan. Mr. Latincsics testified that the applicant will comply with all of the requirements set forth in the Township Engineer's report dated January 19, 2021.

There was discussion regarding the rubble wall. Mr. Latincsics explained that a wall was being used instead of grading because there is a sewer line one foot off the property line.

A motion to open the meeting to the public was made by Mr. Donigian 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. Pallotta and seconded by Mr. Donigian. 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 present revealed 8 aye votes by Mayor Wysocki, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Goldstein, Mr. Lo Iacono, Mr. Pallotta and Ms. Galow.

3. E-BD-216-3304 - Mr. Vehmi Mehta

16 Arbor Lane, Block 126, Lot 129.06

Soil Movement Permit Application for the Construction of a single family home.

Soil Movement Exceeds 1,000 cubic yards.

Ms. Vehmi Mehta explained that she was before the Board for the above Soil Movement Permit Application. Mr. Scandariato had previously confirmed that the notice and publication for this application was adequate.

Mr. Tibor Latincsics, P.E., P.P. of Conklin Associates at 29 Church Street, Ramsey, NJ was previously sworn in and was accepted as an expert engineer. Mr. Latincsics displayed the Soil Erosion, Sediment Control & Plot Plan dated January 1, 2020 and revised January 21, 2021. Mr. Latincsics explained that in 2016, the Planning Board had approved a different Soil Movement Permit Application (E-BD-216-2885) for this specific lot. He described the existing property explaining that the center of the lot was previously cleared under the prior

Soil Movement Application. Mr. Latincics described the plan for the newly proposed single family home with a smaller footprint and simpler driveway. Mr. Latincics reviewed the new soil movement amounts required. He specified that most of the soil moved would be used on site or imported from other lots being developed in that subdivision. Mr. Latincics reviewed the tree removal plan, confirming that the Applicant would replace 14 trees on the property. Mr. Latincics explained that the detention basin that was completed as part of the subdivision would be used along with the two proposed seepage pits on this lot to manage stormwater and roof runoff.

Mr. Kelly discussed the need for the Applicant to come before the Planning Board because the movement of soil exceeded 1,000 cubic yards. Mr. Kelly agreed that the drainage plans were appropriate.

There was discussion regarding the berm along Masonicus. Mr. Kelly stated that the developer had addressed the problems with the trees and vegetation.

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

A motion to conditionally approve the application was made by Mr. Donigian and seconded by Mr. Lo Iacono. A roll call of members present revealed 8 aye votes by Mayor Wysocki, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Goldstein, Mr. Lo Iacono, Mr. Pallotta and Ms. Galow.

IX. WORK SESSION:

- A) NEW BUSINESS: (See the above minutes before the Public Hearing portion for this meeting.)
- B) OLD BUSINESS: None
- C) COMMITTEE REPORTS: None

X. ADJOURNMENT:

A motion to adjourn the meeting at 9:07 p.m. was made by Ms. Galow and seconded by Mr. Pallotta. All voted in favor.

These minutes were prepared by Mary Jo Wood, Planning Board Secretary. The minutes were provided to the Planning Board on March 4, 2021 for approval at the Regular Meeting to be held on March 8, 2021.