

**TOWNSHIP OF MAHWAH PLANNING BOARD  
REGULAR/WORK SESSION MEETING MINUTES  
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.  
MONDAY, OCTOBER 12, 2015 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 7:32 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.

At this time, Mr. Sherer thanked Charles Jandris for his service to the Planning Board.

**II. APPOINTMENT:**

Mayor Laforet announced the new appointment as follows:

Christopher Howard, Alternate I Member    October 2, 2015 – December 31, 2016

**III. OATH OF OFFICE**

Mayor Laforet administered the Oath of Office for Mr. Howard.

**IV. ROLL CALL**

The following individuals were present:

Mayor Laforet  
Ms. Ariemma  
Mr. Crean  
Mr. Donigian  
Mr. Sherer  
Mr. Weixeldorfer  
Mr. Van Duren  
Mr. Howard  
Mr. Lo Iacono

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

The following individuals were absent:

Mr. Bagatelle  
Mr. Marcus

**V. APPROVAL OF BILLS:**

Peter Scandariato, Esq.	9/14/15	Meeting Attendance	\$ 250.00
Peter Scandariato, Esq.	9/28/15	Meeting Attendance	\$ 250.00

Motion to approve the bills was made by Mr. Crean and seconded by Mr. Van Duren. A roll call of members present revealed 9 aye votes by Mayor Laforet, Ms. Ariemma, Mr. Crean, Mr. Donigian, Mr. Sherer, Mr. Weixeldorfer, Mr. Van Duren, Mr. Howard, and Mr. Lo Iacono.

**VI. APPROVAL OF MINUTES:**

**1. August 24, 2015**

Motion to approve the minutes was made by Mr. Donigian and seconded by Mr. Weixeldorfer. A roll call of members present revealed 6 aye votes by Mayor Laforet, Ms. Ariemma, Mr. Crean, Mr. Donigian, Mr. Sherer, and Mr. Weixeldorfer.

**2. September 14, 2015**

Motion to approve the minutes was made by Mr. Crean and seconded by Ms. Ariemma. A roll call of members present revealed 7 aye votes by Mayor Laforet, Ms. Ariemma, Mr. Crean, Mr. Donigian, Mr. Weixeldorfer, Mr. Van Duren, and Mr. Lo Iacono..

**VII. RESOLUTION FOR MEMORIALIZATION:**

**1. E-BD-216-2852 – Peter Miller 3 Fox River Crossing, Block 1, Lot 190, Resolution of Approval**

In response to Mr. Donigian, Mr. Kelly explained the insurance is a condition of approval.

Motion to approve the resolution was made by Mayor Laforet and seconded by Mr. Donigian. A roll call of members present revealed 8 aye votes by Mayor Laforet, Ms. Ariemma, Mr. Crean, Mr. Donigian, Mr. Sherer, Mr. Weixeldorfer, Mr. Van Duren, and Mr. Lo Iacono.

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

Motion to open the meeting to the public was made by Mr. Weixeldorfer, seconded by Mr. Van Duren 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. Weixeldorfer, seconded by Mr. Van Duren and declared unanimously carried by Mr. Sherer.

**IX. PUBLIC HEARING:**

**1. Docket #568PF & #568PF-S– TWJ Mahwah Real Estate, LLC 64 Ramapo Valley Road, Block 40, Lots 25 & 57 Preliminary & Final Site Plan and Soil Movement Permit Applications to renovate existing building and garage to provide a 50-seat restaurant and associated parking. Public Hearing continued from September 14, 2015**

Bruce Whitaker of McDonnell and Whitaker, LLC, appeared on behalf of the applicant. He gave brief description of the application and informed changes were made to meet the requests voiced by the Board at prior hearings. He advised the applicant entered into an agreement with the storage facility for the guarantee of three parking spaces. Mr. Scandariato advised the applicant was requesting a waiver for parking spaces regardless of this increase in available parking; these spaces cannot be a condition of approval as the applicant does not own the property where they are leased. In response to Mr. Donigian, Mr. Whitaker explained the additional parking would be for employees. Mr. Sherer noted the resolution should stipulate only the employees were permitted to park there. The applicant reiterated the maximum number of employees on site at one time would be eight.

Mr. Weixeldorfer noted the ramps were changed in addition to the refuse storage location. Mr. Whitaker informed the application also included changes to provide “No Patron Parking” signs. The applicant agreed to also request patrons to move vehicles if they park on the street. He noted this request for a parking waiver is for far less than the one granted to Mahwah Bar & Grill and the new restaurant would provide an upgrade to the area.

Jeffrey Doolittle, P.E., informed the refuse was moved out of the garage area; and the garage will be for employee parking only. The refuse was moved behind the main building in the farthest parking stall, which is in the same relative location as the refuse storage on Lot 58. The plan now had a shortened sidewalk on the southwestern side of the building to relocate the handicapped entrance to the left side of the restaurant. This provided more green space and eliminated the stairs at the front of the porch; it also alleviates confusion to avoid any access to the building from Ramapo Valley Rd. The main entrance is closest to the parking area; by shortening up the handicapped accessible area and sidewalk, the handicapped accessible area is now more accessible from the parking lot itself. The porch is solely an architectural element to the building.

In regards to the waiver for 200 ft. topographic map, Mr. Doolittle added the applicant submitted the request to the Township Engineer this evening. The full submission will come with the updated application. The applicant also requested a waiver for the 500 ft. drainage map, as the inverts and topographic elevations are contained and provision seemed to be an undue burden on the applicant. The plans currently show all the drainage structures and the piping. Mr. Kelly advised the application did not meet the required buffers, so a waiver would also be required for that. The request for a waiver for sidewalks along entire frontage on both streets was acceptable; he recommended an equivalent contribution to the sidewalk improvement fund. He did suggest the applicant extend the sidewalk along the south side of Brakeshoe Place to the property line so anyone travelling down the roadway can safely travel to the corner on the restaurant side of the street. The applicant agreed to provide this sidewalk extension.

In response to Mr. Kelly, Mr. Scandariato advised offsite parking cannot be controlled or enforced. The application needed to stand for approval without those spaces; the applicant is proposing providing 17 versus 20. Mr. Whitaker advised they could ten offsite and the applicant was simply attempting to show they are trying to provide additional parking to accommodate patrons. Mr. Scandariato noted that the Board could stipulate that if the applicant loses parking, he would be required to seek additional parking. The applicant agreed to make the stipulation that if the three parking spaces were lost, he would have to lose eight seats from the restaurant.

Andy O’Connell, 110 Brakeshoe Place, appeared before the Board. He explained the garage serves as a barrier to his property from the proposed parking lot. He expressed concerns

regarding the garage and traffic into/out of the parking lot. Mr. Weixeldorfer noted that it could be better with a garage if the owner or employees are parking in the garage, as there would be less traffic into and out of it. Mr. O'Connell noted he was concerned about patrons parking on street. In response to Mayor Laforet, Mr. Doolittle explained signage would be provided on the property to note street parking is not permitted. Also, the maître d will be asking patrons to move their cars if they are parked on the street. He added the applicant would try his best to be a good neighbor and wished to avoid complaints made against his establishment. Mr. Weixeldorfer explained if the applicant is diligent and asks whether patrons are parked (and, subsequently, asks them to move their cars), the signs can work effectively. Mr. Whitaker concurred, citing these signs are effective at many other locations.

Ms. Ariemma questioned why the garage was being kept if they were providing additional employee parking spaces offsite. Mr. Doolittle noted the owner can designate the spaces to be solely used for employees. In response to Ms. Ariemma, Mr. Whitaker explained using the garage for employee parking would result in less intense use when compared to providing additional parking if it was removed. Mr. Donigian clarified during peak hours, employees would be directed to use the offsite parking. He also concurred that the garage could provide better buffering for the neighbor compared to a fence with plantings. If the garage is renovated, it could look better rather than replacing it with traditional parking spaces.

Mr. Kelly suggested the applicant create a valet parking arrangement to park cars across the street or in the garage if necessary during high peak hours. Mr. Whitaker stated the applicant could definitely provide a valet at the main building to move the cars off site. Mr. Kelly noted there were no comments of concern from the Police Department. Mr. Sherer advised the conditions of approval would include that the garage remains and would be remodeled; employee parking of ten additional spots would be across the street; and the applicant agrees to provide a part time valet on busy hours (Friday and Saturday nights, specifically). Also, if the applicant loses the additional parking, he agrees to reduce restaurant seats; the valet will move cars across the street to the storage facility during those peak hours.

Mr. Van Duren suggested asking the neighbor on Lot 58 if applicant could park cars after hours on that lot if the tenant is not using parking during the restaurant's peak hours. Mr. Roberts advised the spaces on Lot 25 were proposed with striping at 10x20; he suggested a waiver be granted to provide striping at 9x18 to gain an extra stall on that lot. Mr. Doolittle noted the 10ft. space is designed for more of a frequent movement in and out of the space and preferred to keep the space larger. Mr. Roberts suggested the parking move in by approximately four feet, which would give the ability to extend the sidewalk along the extension at the rear of the parking spaces; it would mark where the pedestrians should go versus the car traffic. Mr. Doolittle explained there was a difficulty with pushing the improvements closer to the stream, as it could violate the 25ft buffer; this could be an issue with the DEP. Mr. Roberts acknowledged the applicant's desire to avoid an application with the DEP.

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

Andy O'Connell, 110 Brakeshoe Place, noted he anticipates an issue pulling into the lots from Route 202. He was concerned about the sight distance. He preferred the inclusion of a valet, noting it could control the situation for effectively. He suggested parking employees in the regular spaces on Lot 25 and then valet the patrons elsewhere, thus, reducing turnover. In response to Mayor Laforet, Mr. O'Connell noted street parking will occur, but this could reduce

its frequency. After some discussion, Mr. Scandariato explained the Council would be able to establish resident only parking in the area via ordinance. Mr. Kelly advised the Board did not wish to promote valet parking across Route 202 on a regular basis; but it would be used only in peak times.

Eileen Matarrazzo, 99 Brakeshoe Place, questioned the relocation of the refuse. Mr. Doolittle explained the refuse will be put into a fenced enclosure atop a concrete slab in an area similar to the location for Lot 58. He added there will be no access to the front of the main building from the street. The main access is at the rear of the building. In response to Ms. Matarrazzo's concerns regarding cars queuing on Brakeshoe Place, Mr. Whitaker reminded this was a 50-seat restaurant and did not expect such a large line of cars.

Valerie O'Connell, 110 Brakeshoe Place, appeared before the Board. In response, Mr. Doolittle explained cars would turn into the parking lot on site by the main building and queue along the island on site. Mr. Whitaker advised they would make the condition that the valet would be conducted on site and not along the side street.

Motion to close the meeting to the public was made by Mr. Weixeldorfer, seconded by Mr. Van Duren and declared unanimously carried by Mr. Sherer.

Ms. Ariemma questioned how close the parking spaces come to the roadway. Mr. Doolittle noted the parking is right on the roadway. The proposed is attempting to create a more uniform section of roadway; therefore, cars coming out of Brakeshoe Place have a more clear sense of traversing the roadway. It will provide improved accessibility onto Brakeshoe Place, as the telephone pole will be relocated out of the intersection, which is a barrier for cars pulling in from Ramapo Valley Rd., currently. In response to Ms. Ariemma, Mr. Doolittle explained a permit request from DEP would be required if parking was moved closer to the river. He added that as long as the applicant can maintain the 25ft. buffer from the top of the bank to the parking spaces, he would be guaranteed a permit by rule; however, the DEP may not allow them to encroach on the river. This movement would also destroy the integrity of the roadway. The proposed parking can be compared to commercial parking as well as parking in the area in the center of town; it is fairly conventional. Mr. Donigian suggested installing a depressed curb to delineate the parking. Mr. Kelly advised the applicant to move the parking as close as possible to the 25ft. buffer and have a discussion with DEP to determine the feasibility of moving parking closer to the river. After some discussion, the applicant agreed to consider this and discuss with DEP.

John Musinski, R.A., of JMA Architects, appeared before the Board and explained the revisions to the initial renderings which include: the eliminated steps from the front porch of the main building to Ramapo Valley Rd; an added handicapped accessibility door at the rear main entrance; a proposal of two doors rather than one in addition to a ramp for access at the rear as well. In response to Mr. Sherer, Mr. Musinski noted the porch was not wide enough for seating. Mr. Musinski noted the garage would have a façade similar to the main building. In response to Mr. Van Duren, Mr. Musinski noted the Police advised checking with the ABC regarding the wine bottle depiction on the main signage. Mr. Roberts advised the major sign was proposed on the side of the building rather than the front; he noted this was the primary façade, so its location was sensible; the applicant would require relief from this requirement.

Motion to open the meeting to the public was made by Mr. Weixeldorfer, seconded by Mr. Van Duren and declared unanimously carried by Mr. Sherer.

Eileen Matarrazzo- 99 Brakeshoe Place, questioned whether the porch would be used for outdoor seating or as a standing/eating location. Mr. Musinski explained this porch was more of an architectural element and no tables or chairs would be located here.

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

Motion to open the meeting to the public for comments was made by Mr. Weixeldorfer, seconded by Mr. Van Duren and declared unanimously carried by Mr. Sherer.

Andy O'Connell, 110 Brakeshoe Place, questioned the location of the garbage dumpster. Mr. Van Duren explained it cannot be where the handicapped space is; the dumpster will have a fence and dumpster pad.

Eileen Matarrazzo, 99 Brakeshoe Place, expressed her concern about the safety of pulling onto Brakeshoe Place. She noted that pulling onto the street and making a turn onto the roadway currently is difficult and hazardous. She stated there were a lot of things to take into consideration, as this is a school bus stop corner and she hoped the Board would take the residents' concerns into consideration.

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

In response to Mr. Donigian, Mr. Doolittle explained crosshatching will be created across the intersection of Brakeshoe Place and Ramapo Valley Rd. A crosswalk is proposed along Brakeshoe Place. A second crosswalk is not a good idea and the end of Brakeshoe Place is the safest location for one, single crosswalk. In response to Mr. Van Duren, Mr. Whitaker advised the light plan is subject to a six-month review; the applicant is proposing shielded lights to be used only during business hours and the lighting would be in accordance with the Police Department's recommendations for security. In response to Ms. Ariemma, Mr. Scandariato explained there is a provision in the ordinance that says no one will place anything in the right of way without Council's approval. Therefore, the applicant must go to the Council to get approval for the parking installed at this location. Mr. Whitaker explained this would be added as a condition of approval as done with Mahwah Bar & Grill. Mr. Doolittle advised the area will seem more delineated with the curb returns to prevent cars from driving along those parking spaces. In response to Mr. Crean, Mr. Whitaker noted the applicant would go to DEP if necessary.

Mr. Crean, Mr. Donigian, and Mayor Laforet each acknowledged that the applicant had heeded the concerns and suggestions of the Board and the members of the public.

Ms. Ariemma stated she was not amenable to the parking space deficiency or abutting the roadway with parking.

Motion to approve the application was made by Mr. Crean with the following conditions: inclusion of a sidewalk extension along the restaurant side of Brakeshoe Place; provision of valet parking on Friday and Saturday evenings as needed; reduction in the number of seats by eight if spots were eliminated across the street; the garage will remain to be modified with similar façade of the main building; valet parking cars will wait on site; the applicant agrees to contact DEP to see if parking can be pushed back; the applicant will contact the owners of Lot 58 and determine if they can use parking there if necessary; a depressed curb to delineate the parking subject to the Township Engineer's approval will be installed; resident parking only signs will be installed on Brakeshoe Place. Mr. Sherer clarified a recommendation that the Council consider installing the signs would be made. In response to Mr. Scandariato, Mr. Kelly advised he would submit a letter to Council requesting these signs be installed. The motion was seconded by Mr. Donigian. A roll call of members present revealed 7 aye votes by Mayor Laforet, Mr. Crean, Mr. Donigian, Mr. Sherer, Mr. Van Duren, Mr. Weixeldorfer, and Mr. Lo Iacono; with one nay by Ms. Ariemma.

**X. WORK SESSION:**

**A) NEW BUSINESS**

- 1. Docket #488S, SMS Developers, LLC** 18 Heritage Lane, Block 109, Lot 2.06 Floor height deviance

At this time, Mr. Weixeldorfer recused himself.

The applicant appeared before the Board and explained he was seeking a floor height change. Mr. Kelly explained this came before the Board because the floor heights changed by more than 1.5 feet. The applicant is proposing to increase the height by four feet and the garage floor would be decreased by four feet; the applicant moved the garage to other side of the house. In response to Mr. Crean, Mr. Kelly acknowledged wetlands are present in the area, but they do not come into play in this height change. He explained the first floor is five feet higher than the roadway, which is typical for developments like this. It is in character of those homes in the neighborhood.

Motion to approve the application was made by Mr. Donigian and seconded by Mr. Van Duren. A roll call of members present revealed 9 aye votes by Mayor Laforet, Ms. Ariemma, Mr. Crean, Mr. Donigian, Mr. Sherer, Mr. Van Duren, and Mr. Lo Iacono, with one abstention by Mr. Howard.

**B) OLD BUSINESS**

**C) COMMITTEE REPORTS**

**D) ITEM FOR DISCUSSION**

- 1. 2016 Tentative Planning Board Meeting Dates**

Mr. Kelly noted each meeting fell on the second and fourth Mondays except for December 2016. Mr. Sherer advised the dates were approved.

**XI. ADJOURNMENT**

Motion to adjourn the meeting at 9:09 p.m. was made by Mr. Van Duren, seconded by Mr. Donigian and declared unanimously carried by Mr. Sherer.

Provided to the Planning Board  
on November 20, 2015 for  
approval at the Regular Meeting  
to be held November 23, 2015



Donelle Bright DeCouto  
Planning Board Recording Secretary