

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR/WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, DECEMBER 14, 2015 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 at the Municipal Building, 475 Corporate Dr., Mahwah, N.J. was called to order at 7:38 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.

The following individuals were present:

Mayor Laforet
Ms. Ariemma
Mr. Donigian (in at 7:39 p.m.)
Mr. Marcus
Mr. Sherer
Mr. Van Duren
Mr. Howard
Mr. Lo Iacono

Professionals: Peter J. Scandariato, Esq., Peter Ten Kate, P.E., Brigitte Bogart, P.P.

The following individuals were absent:

Mr. Bagatelle
Mr. Crean
Mr. Weixeldorfer

II. APPROVAL OF BILLS:

Peter Scandariato, Esq.	11/23/15	Meeting Attendance	\$ 250.00
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Motion to approve the bills was made by Mr. Marcus and seconded by Mr. Howard. A roll call of members present revealed 7 aye votes by Mayor Laforet, Ms. Ariemma, Mr. Marcus, Mr. Sherer, Mr. Van Duren, Mr. Howard, and Mr. Lo Iacono.

III. APPROVAL OF MINUTES: None to present.

IV. RESOLUTION FOR MEMORIALIZATION:

1. **Township of Mahwah Planning Board Review of Proposed Ordinance Amending Chapter 24 of the Code of the Township of Mahwah to Prohibit Unregulated Pipelines, Resolution of Approval**

Motion to approve the resolution was made by Mr. Marcus and seconded by Mr. Van Duren. A roll call of members present revealed 7 aye votes by Mayor Laforet, Ms. Ariemma, Mr. Donigian, Mr. Marcus, Mr. Sherer, Mr. Van Duren, and Mr. Howard.

V. OPEN TO THE PUBLIC – 15 MINUTES

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

Peggy Bost, president of her homeowner's association, appeared before the Board and thanked them for their work on the Pipeline Ordinance. She referenced the prior approval given to an applicant for 125 Deerhaven Rd. and expressed her concern regarding the removal of a great number of trees. The property was being clear-cut and she contacted the Township, who confirmed approval was given for the tree removal. Ms. Bost informed equipment also was on site to remove and replace the old septic with a new system; however, she noted Mike Kelly gave approval only for the filling in of the old septic system. She expressed her discontent that her summer electric bills increased due to the diminished shade on her property.

Mr. Marcus also noted that the trees on the opposite side of the driveway were removed from the property, and did not have to be in order to install the septic. The permit was issued stating 24+ trees would be removed. He informed the agreement with the owners was that they would return back to the Environmental Commission with a plan, but nothing was received regarding the applicant's plan. Mr. Donigian questioned why a summons was not yet issued. Mr. Sherer explained permits were given; he expressed the importance of a Shade Tree Ordinance and Commission in these types of situations. Ms. Ariemma informed this was brought up at a Council meeting, but Council deferred these incidents to the Environmental Commission. She advised she would bring this issue up again with the Council. Mr. Sherer stated that the Board did not have the authority to enforce, but they can facilitate the start of an ordinance. Mayor Laforet noted he would speak with Mr. Mulvey and contact Ms. Bost.

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

VI. PUBLIC HEARING

- 1. Docket #571PF Mahwah Properties I, LLC** 1400 MacArthur Blvd, Block 139, Lot 3 Preliminary and Final Site Plan and Soil Movement Permit Applications for a Health and Wellness Center, carried from November 23, 2015

Michael Sullivan, Esq. of Stickel Koenig, Sullivan & Drill, LLC, appeared on behalf of the applicant and gave brief explanation of the application. He informed of a change in the parking proposed, an increase in parking by an additional seven spaces.

Ira Weiner, Beattie Padovano, appeared before the Board on behalf of New York Sports Club of Mahwah and expressed his opinion the applicant should not be permitted to present the application, as there was no known hospital sponsor for the proposed wellness center. In response to Mr. Weiner, Mr. Sullivan informed the hospital sponsor was not yet finalized, but they are currently in negotiations. Mr. Weiner cited his objection that the Board could not hear

the application as there is currently no hospital sponsor in place. He also noted that the addition of parking spaces should have been made known to the Board at least ten days prior to this hearing. Mr. Scandariato noted the applicant was able to submit the plans after tonight's hearing inclusive of these parking spaces.

Eric Ballou, P.E., InSite Engineering, appeared on behalf of the applicant and marked exhibits. He detailed the application, noting the main building was centered on the property with surface parking surrounding the building. A proposed western driveway grants access to both visitors and delivery vehicles, while a secondary driveway on the eastern side grants access to surface and garage parking. He informed the application was fully conforming. To address the grade issues on the site, the applicant proposed to have access to the main lobby at the main elevation and the garage 12 ft. below that. A tiered retaining wall system with two, six-foot or less walls will be constructed with four to five feet of separation between the walls along the back of the property. He noted this type of construction was preferable to one large 14ft. wall. The walls will not exceed six feet. Subsurface detention basins were proposed at the northern and southern portions of the lot; the existing outfall area on site that goes to the creek will be kept. There will be a small outfall installed at the northern area of the site.

The utilities that will be necessary for the development are already in place along MacArthur Boulevard. Therefore, no substantial offsite improvements will be necessary for this development. The stormwater plan will be reviewed by five individual groups to be sure it complies with all regulations. With regards to Boswell Engineering's report dated 12/14/15, Mr. Ballou noted he would discuss striping for specific zones with the Fire Department. Regarding the stormwater management and retaining walls, the applicant agreed to address the comments provided and comply with the requests as per Boswell Engineering. He added that the NJDEP approval for the Riparian Buffer Disturbance would be provided and agreed the Highland's conditions would be incorporated into any Board approval of the application. Mr. Ballou explained that, due to the grading on site, they are proposing approximately 20,000 cubic yards of soil to be exported from site. Regarding the applicant's resubmission to the County, they are awaiting a response and will provide it to the Board once it is received.

In response to Mr. Sullivan, Mr. Ten Kate suggested Boswell will review the tiered wall once testimony is provided. Ms. Bogart explained there was some confusion on the height of each wall for the proposed retaining walls. She advised the applicant to provide the heights of each wall proposed. In response to Mr. Sherer, Mr. Ballou noted the buffer was 56ft. at its narrowest. In response to Mr. Donigian, Mr. Ballou explained trees will not need to be removed for the detention basins, as they will be located in the paved surface. The retaining walls will be higher than the existing grade; a fence will be placed atop of the walls to provide screening for the residents. The distance from the stream to the property line is 26ft. and the elevation is almost level in that area. The eastern and western driveways are placed at near-level elevations.

In response to Ms. Bogart, Mr. Ballou informed the Letter of Interpretation information and the 2007 survey information was transferred to the 2015 survey information that was submitted to the NJDEP. Ms. Bogart explained the applicant was proposing medical offices and suggested the applicant discuss the offices and the parking requirement with the Board. Mr. Sullivan explained the parking requirement calculation used was for the Health and Wellness Center, which required nursing and physician offices be present in the development.

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

Doug Cinella, 20 Swan Rd., expressed his appreciation for the Board's sentiments and questioned the buffer requirement. Mr. Ballou explained that the ordinance requires a 10% lot depth buffer; in this case, the buffer is 56ft. Mr. Cinella referred to the detention basin and informed his association pays to maintain that basin; he questioned how the project will affect this. Mr. Ballou explained the applicant was not permitted to remove any vegetation in that area; the runoff will decrease from what is currently occurring today.

Ira Weiner of Beattie Padovano appeared before the Board. Mr. Ballou explained the expert witness for fences will provide additional testimony on the fencing and retaining wall.

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

Jessie McCarter, HDR Architects, informed he was appearing on behalf of the architect for the applicant, Mr. Michael Konsko of HDR Architects. Mr. Sullivan explained while Mr. McCarter was not licensed in New Jersey, his experience and knowledge of architecture was enough to make him a credible expert witness in architecture. Mr. Scandariato advised the applicant postpone providing architectural testimony until the following meeting in order to avoid any issues. Mr. Sullivan noted that he would prefer to have the testimony given this evening; Mr. McCarter would be providing testimony on the plan structure. In response to Mr. Scandariato, Mr. Sullivan informed Mr. McCarter could testify as a fact witness. Mr. Sherer advised the Board would accept Mr. McCarter as a fact witness.

After some discussion, Mr. Scandariato advised the Board has, in the past, adjourned hearings to carry to the following meeting in order to provide adequate submission time for changes to plans. Mr. Sullivan noted the only change was the addition of seven parking spaces. Mr. Weiner expressed his concern that the plans were changed and the change was not provided to the Board prior to this hearing. Mr. Scandariato explained if the total square footage did not change, it would not change the parking requirement.

At 9:03 p.m., Mr. Sherer recessed the meeting.

At 9:15 p.m., Mr. Sherer called the meeting to order.

Richard Prakopcyk, Landscape Architect, of HDR Architects, appeared on behalf of the applicant. He explained the main goal for the landscape design was to preserve the wetlands and maintain the mature vegetation edging on the property. In order to mitigate the grading issues, a tiered retaining wall will be installed. Mr. Sullivan marked exhibits. Mr. Prakopcyk explained native species will be used along the edge of the retaining wall. A fence is also added between the curb cut, the curb line and the retaining wall, which adheres to the six-foot height requirement.

Mr. Prakopcyk clarified the fence is between the curb and retaining wall; it will provide light mitigation and screening as well as create an additional layer of landscaping. This provides another barrier and guardrail; the board-on-board fencing will prevent the lights from shining through. Mr. Ten Kate concurred, noting the majority of the light mitigation is via the board-on-board fencing. He did question how the fence would act as a guardrail. In response to Mr. Donigian, the applicant agreed to look into the fence acting as a guardrail as well as the

implications of snowplowing. Mr. Prakopcyk explained the plantings included Eastern Red Cedar and Pitch Pine trees as well as understory vegetation. After some discussion, Mr. Sherer clarified the Board would like the applicant to look into the safety requirement for a guardrail as well as maintaining the fence during snowplowing. In response to Ms. Ariemma, Mr. Prakopcyk explained the fence runs 560ft. along one property line, another 500ft. along the southern property line and wraps around another approximately 120ft, ending at the building.

The applicant will landscape within the parking lot aisles. Regarding Boswell Engineering's report, Mr. Prakopcyk explained they were proposing the removal of 41 existing trees with the addition of 45 replacement trees. He confirmed the revised landscape plan was still in review with Boswell Engineering and the applicant did not intend to provide a permanent irrigation system for the landscaping. Maintenance of the plantings will be written into the landscaping contract for 1-2 years. Regarding lighting, Mr. Prakopcyk explained the applicant provided lighting in accordance with lighting ordinances and security regulations; they are using LED lights and the lights will not shed onto the adjacent properties. In response to Mr. Sullivan, Mr. Prakopcyk explained a ground-mounted, freestanding, internally illuminated sign less than seven feet in height with a 50 sq.ft. face will be placed at a minimum of 15 ft. from the right-of-way line. The generator is located in the southeast corner of the property, adjacent to the loading dock and the waste containment area. The applicant agreed to comply and mitigate any noise coming from the generators at the property line; the generators will be tested monthly during normal business hours.

In response to Mr. Donigian, Mr. Prakopcyk marked exhibits providing views of the facility. He confirmed that sidewalks will be installed. In response to Mr. Donigian, Mr. Prakopcyk detailed the 30ft. height of the building and noted that the mechanicals on the roof are 10-15ft. while the trees on the residential property side are approximately 40-50ft. in height. He informed the pool will be a chlorine pool with equipment located in the basement. There is emergency accessibility via a stairwell and walkway; the Fire Department did not give comments regarding emergency access. After some discussion, Mr. Howard noted there is a walkway for emergency access in case of a fire, which is required. In response to Mr. Ten Kate, Mr. Prakopcyk explained the rooftop equipment is screened on two sides; the rear is not screened, but the applicant agreed to look into screening the rear as well. In response to Mr. Lo Iacono, Mr. Prakopcyk explained additional trees and vegetation are determined by the Highlands. They have not had an arborist visit the site for a tree study; they felt the evergreen trees and understory plantings will be adequate, as they did not want to greatly disturb the area. Mr. Prakopcyk agreed to meet with residents in the area and discuss the vegetation.

Ms. Bogart expressed concerns that the Highlands Council required stormwater usage for irrigation as a condition of approval. She was surprised to find no irrigation system was planned and noted she would review the landscape plan and proposed landscape material, as she was concerned about maintenance.

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

Ira Weiner of Beattie Padovano appeared before the Board. Mr. Prakopcyk explained the rear of the building was approximately 450ft. from the house on the adjacent property. He informed the rooftop units will be screened with a metal louvered panel; he added the equipment will adhere to all noise requirements at the property line.

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

Jacob Garro of the Boldt Company appeared on behalf of the applicant and explained he exclusively developed wellness centers. He confirmed hospital involvement was being negotiated currently. Mr. Garro informed the hours of operation were Monday through Friday, 5:30am to 10pm, Saturday 7am to 8pm, and Sunday 8am to 8pm. Generally, they can expect smaller box trucks and delivery vans for deliveries. They are anticipating a total of 100-120 employees and, at peak times, the facility will have a total of 50 employees on site. Once the construction is complete, Boldt has a health and wellness center partner to operate the facility; the hospital will be a sponsor and act as a consultant.

In response to Mr. Ten Kate, Mr. Garro informed that Boldt had no intention of flipping/selling the property after it is developed. In response to Mr. Sherer, Mr. Garro clarified that Mahwah Properties is owned by Boldt Capital, which is owned by Tom Boldt. At any given point in time, they are expecting 6-10 physicians with the same number of nurses; the pharmacy will be open daily. The medical offices are open to the general public, as is the entire facility. Mr. Sullivan advised detailed office space calculations will be discussed with the architect at the next hearing.

In response to Ms. Ariemma, Mr. Sullivan read the ordinance definition of the health and wellness center. Mr. Garro explained the center is available for people moving through health episodes, helping them to get comfortable in public gyms. It is open to the public and there is medical supervision to those that need it; there will be no overnight patients. Also, a conference center, pool, and other aspects of the center will become community assets. In response to Mr. Marcus, Mr. Garro noted there are no similar facilities in the area that offer these types of services in one center. In response to Mr. Donigian, Mr. Scandariato advised the hospital sponsorship requirement could be a condition of approval. Mr. Garro clarified that the hospital sponsorship does not determine tax status; Boldt is a taxable business. In response to Mr. Van Duren, the pharmacy is open to the public.

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

Ira Weiner of Beattie Padovano questioned the definition of hospital sponsorship. Mr. Garro explained the sponsorship would mean the hospital has a meaningful interest in the physician services that are provided at the facility. The hospital is ultimately responsible for the physician services that are given to the community. In response to Mr. Weiner, Mr. Garro confirmed that daily operations are determined and managed by the hospital. He further clarified that the hospital is responsible for operations, but Boldt will have the responsibility of owning the property. Boldt will not have responsibility for day to day operations. Memberships will be available for purchase. After some discussion, Mr. Sullivan noted the traffic expert will be better able to answer questions and provide testimony with regards to traffic to the site.

Mr. Weiner expressed his opinion that the Board should be privy to information regarding the hospital sponsorship and membership numbers. Mr. Scandariato advised the applicant did not need to provide membership numbers to the Board. In response to Mr. Weiner, Mr. Garro confirmed the medical practices function like others; they will accept insurance and the hospital could refer patients to the doctors at the facility. Mr. Garro informed another similar facility is located in Akron, Ohio and run by Akron General. He explained that facilities like the

one proposed have been operating since 1996 with Akron General; the hospital regulates the hours of operation at this location. He also reiterated that the pharmacy will be open to the public. In response to Mr. Weiner, Mr. Garro explained the administration/community health area is for offices; there are also fitness offices and a separate diagnostics area used for imaging services.

Doug Cinella, 20 Swan Rd., approached the Board and questioned if the Bergen County Blue Laws would apply to this center regarding the hours of operation. In response to Mr. Sherer, Mr. Garro corrected the hours of operation were until 6 p.m. on Saturday and Sunday. Mr. Sullivan noted that if the operator wished to change the hours of operation from what was discussed, they would have to come back before the Board for approval.

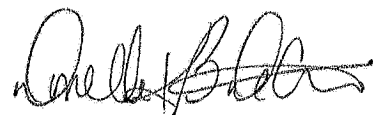
Mr. Sherer informed the hearing would be carried to January 11 and no further notice was required.

- VII. WORK SESSION:**
A) NEW BUSINESS
B) OLD BUSINESS
C) COMMITTEE REPORTS
D) ITEM FOR DISCUSSION

VIII. ADJOURNMENT

Motion to adjourn the meeting at 10:38 p.m. was made by Mr. Donigian, seconded by Mr. Marcus and declared unanimously carried by Mr. Sherer.

Provided to the Planning Board
on January 22, 2016 for approval
at the Regular Meeting to be held
January 25, 2016



Donelle Bright DeCouto
Planning Board Recording Secretary