

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR/WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, MARCH 14, 2016 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 7:34 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:

- Mr. Bagatelle
- Mr. Crean
- Mr. Donigian (in at 7:39 p.m.)
- Mr. Marcus (in at 7:36 p.m.)
- Mr. Sbarra
- Mr. Sherer
- Mr. Howard
- Mr. Lo Iacono

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

The following individuals were absent:

- Mayor Laforet
- Mr. Van Duren
- Mr. Weixeldorfer

II. APPROVAL OF BILLS:

Peter Scandariato, Esq. 2/8/16 Meeting Attendance \$ 250.00

Motion to approve the bills was made by Mr. Crean and seconded by Mr. Howard. A roll call of members present revealed 7 aye votes by Mr. Bagatelle, Mr. Crean, Mr. Marcus, Mr. Sbarra, Mr. Sherer, Mr. Howard, and Mr. Lo Iacono

III. APPROVAL OF MINUTES:

I. January 11, 2016 (Reorganization Meeting)

Motion to approve the minutes was made by Mr. Bagatelle and seconded by Mr. Marcus. A roll call of members present revealed 7 aye votes by Mr. Bagatelle, Mr. Crean, Mr. Marcus, Mr. Sbarra, Mr. Sherer, Mr. Howard, and Mr. Lo Iacono.

2. January 11, 2016

Motion to approve the minutes was made by Mr. Howard and seconded by Mr. Crean. A roll call of members present revealed 7 aye votes by Mr. Bagatelle, Mr. Crean, Mr. Marcus, Mr. Sbarra, Mr. Sherer, Mr. Howard, and Mr. Lo Iacono.

3. January 25, 2016

Motion to approve the minutes was made by Mr. Marcus and seconded by Mr. Howard. A roll call of members present revealed 5 aye votes by Mr. Bagatelle, Mr. Marcus, Mr. Sbarra, Mr. Sherer, and Mr. Howard.

4. February 8, 2016

Motion to approve the minutes was made by Mr. Sbarra and seconded by Mr. Crean. A roll call of members present revealed 4 aye votes by Mr. Crean, Mr. Sbarra, Mr. Sherer, and Mr. Lo Iacono.

IV. **RESOLUTION FOR MEMORIALIZATION:**

1. Amended Resolution Authorizing the Award of a Non-Fair and Open Contract for Professional **Legal Services** for the Year Jan. 1, 2016 – Dec. 31, 2016

Motion to approve the resolution was made by Mr. Crean and seconded by Mr. Bagatelle. A roll call of members present revealed 7 aye votes by Mr. Bagatelle, Mr. Crean, Mr. Marcus, Mr. Sbarra, Mr. Sherer, Mr. Howard, and Mr. Lo Iacono.

2. Resolution Authorizing the Award of a Contract for Professional Planning Services for Docket #571PF Mahwah Properties I, LLC

Motion to approve the resolution was made by Mr. Crean and seconded by Mr. Bagatelle. A roll call of members present revealed 7 aye votes by Mr. Bagatelle, Mr. Crean, Mr. Marcus, Mr. Sbarra, Mr. Sherer, Mr. Howard, and Mr. Lo Iacono.

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

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

At this time, Mr. Sherer referred to Agenda Item No. **VII.A)1.**

VI. **PUBLIC HEARING:**

1. **E-BD-216-2777(A) - Mahwah NL Cedar Developers, LLC** 6 Tree Farm Lane, Block 126, Lot 130.02 Township of Mahwah Amended Soil Movement Permit Application

Mr. Bagatelle recused himself from the application.

James Jaworski of Wells Jaworski Liebman appeared before the Board on behalf of the applicant.

Tibor Latinsics, P.E. of Conklin Associates, appeared before the Board on behalf of the applicant and gave brief description of the minor modifications of the plot plan. He explained the prior home contract was cancelled; the applicant is moving forward with a spec home. The site had been cleared and graded for the previous plan; however, the garage has been flipped to the north side of the home with the proposed changes. The total soil movement will result in an import of 1800 cubic yards and will come from within the larger site (#12 Arbor Lane has 2000 cubic yards of excess soil). Thirteen trees in total are to be planted in addition to the street trees.

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

Joe McCoy, Airmont Ave., noted the berms along the roadway have extended further along than anticipated. He asked if they were anticipating additional plantings. Mr. Latinsics agreed the berm would be appropriately planted. Mr. Jaworski informed there was a performance bond in place to ensure the site is planted appropriately; a maintenance bond will be put in place for at least two years once the landscaping is complete. After the maintenance bond is released, the landscaping maintenance will be the obligation of the homeowners.

In response to Mr. McCoy, Mr. Latinsics informed it had not been determined which way the home will face; if it faces towards Arbor Lane, a berm will be considered. He further clarified that the County does not bill for sidewalks that are not installed and there are no plans for sidewalks along Airmont Ave. Mr. Sherer noted the sidewalk fund is a Township requirement. Mr. McCoy noted there is no sidewalk along Airmont Ave. and the path is muddy and used frequently by Paddington Square residents. He suggested using sidewalk funds to install a sidewalk at this location. Mr. Kelly advised the Township could consider this in the future. In response to Mr. McCoy the stone walls will remain, as it was a condition of subdivision approval. Mr. McCoy expressed his preference for the walls to be extended vertically rather than grading down the slope to the top of the wall. Mr. Kelly advised the plan was not to alter the walls.

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

In response to Mr. Crean, Mr. Kelly explained the berm revegetation is covered under the developer's agreement. Mr. Jaworski acknowledged the plantings along Masonicus Rd. needed attention and advised he would inform the applicant. Mr. Latinsics advised the applicant had received approval from the Historic Preservation Commission that the walls can be moved.

Motion to approve the application was made by Mr. Donigian and seconded by Mr. Marcus. A roll call of members present revealed 7 aye votes by Mr. Crean, Mr. Donigian, Mr. Marcus, Mr. Sbarra, Mr. Sherer, Mr. Howard, and Mr. Lo Iacono.

At this time, Mr. Donigian excused himself from the meeting.

2. E-BD-216-2885 - Mahwah NL Cedar Developers, LLC 16 Arbor Lane, Block 126, Lot 129.06 Township of Mahwah Soil Movement Permit Application

Mr. Bagatelle recused himself from the application.

James Jaworski of Wells Jaworski Liebman appeared before the Board on behalf of the applicant.

Tibor Latinscics, P.E. of Conklin Associates, appeared before the Board on behalf of the applicant. This is the third home proposed with an end purchaser under contract. The footprint of the home is 3500 sq.ft. and is serviced by a circular driveway. The proposed floor elevations have been lowered 2.5ft. to accommodate the grade of the driveway. The soil movement will consist of 657 cubic yards of cut, 754 cubic yards of fill, 200 cubic yards of crushed stone imported, and 123 cubic yards of crushed stone exported to be used elsewhere on the development site. The site had been previously cleared for development. There are 13 replacement trees proposed in addition to street trees; these will be bonded under the developer's agreement.

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

Motion to approve the application was made by Mr. Crean and seconded by Mr. Donigian. A roll call of members present revealed 6 aye votes by Mr. Crean, Mr. Marcus, Mr. Sbarra, Mr. Sherer, Mr. Howard, and Mr. Lo Iacono.

VII. WORK SESSION:

A) NEW BUSINESS

1. Docket #573 – Bolla Operating NJ Corp. 62 Franklin Turnpike, Block 68, Lot 14
Conceptual Review

Bruce Whitaker of McDonnell & Whitaker, appeared before the Board on behalf of Bolla Operating NJ Corp. He explained the company wished to take over the gasoline station at 62 Franklin Turnpike and create a smaller version of the Bolla stations seen on highway and county roadways. The current site is nonconforming without a curb, sidewalk or demarcation. The company was seeking the Board's input and suggestions before moving forward with an application to remove the mechanic bays, install driveways, and reorient both the building and canopy.

William Vogt, P.E. of L2A Land Design, LLC, appeared on behalf of the applicant and gave a brief description of the existing conditions on site. The current building is set back at 39ft. from the front property line. The existing canopy is setback close to Franklin Tpke at 8.5ft. Bolla was seeking to install a new canopy and reorient it to provide a greater setback at 31ft., which would result in a setback from the rear property line of 30ft. Six dispensers (two gasoline pumps each) would be installed and head-in parking would be provided at the front of the building to remove the existing

scattered parking across the site. The total parking numbers would remain deficient. Signage would most likely require a variance. Mr. Whitaker explained this location would not include a fast food establishment as the one operated at the Route 17S Bolla Market. He noted the reorientation of the building was a more appropriate placement; Mr. Vogt described an additional option for the building orientation, but noted Bolla preferred the initial proposal. Mr. Sherer suggested reducing the size of the building, as it was proposed at 4200 sq.ft.

Mr. Kelly suggested the size of the store should be reduced to establish a greater setback from the Franklin Tpke right-of-way. He noted the application should be reviewed with the County to determine if they would require any right-of-way changes. In response to Mr. Kelly, Mr. Vogt explained the traffic would have full access to the site without turn prohibitions. Mr. Kelly informed the access to the service station should not be closer than 50ft.; there is access from Ward Lane to Franklin Tpke at 37ft. and it would be condition of approval. Mr. Scandariato advised he would review the jurisdiction for this requirement.

Mr. Kelly advised a refuse truck and fuel tank would need to be able to enter and exit the site. Mr. Vogt noted the proposed would be able to accommodate those vehicles. Ms. Alaimo Lawlor expressed her concern regarding the store size as well as visibility for the neighboring property. She also noted there was concern with the number of proposed parking spaces. By reducing the building size, parking could be increased. She noted they could encounter issues when deliveries are made or morning traffic into and out of the site results in many using the gas pumps as parking spaces to run into the store. In response to Ms. Alaimo Lawlor, Mr. Whitaker noted the deliveries are controlled by Bolla and are made in off-peak hours.

Mr. Sherer suggested a review of the neighboring property issue and a significant reduction in the size of the building. In response to Mr. Vogt, Mr. Kelly stated the 4ft. setback is not acceptable; the 40ft. setback requirement may not be able to be met, but it needs to be larger than currently proposed. Ms. Alaimo-Lawlor suggested reducing the number of tanks and possibly keeping the larger building (although reducing it to smaller than 4200 sq.ft.). Mr. Sherer encouraged reorienting the canopy and concurred on the reduction of dispensers to eight from twelve. In response to Mr. Bagatelle, Mr. Vogt noted the Shell brand will remain and diesel will only be available for passenger vehicles; tractor-trailers will not have access to the site for gasoline.

In response to Mr. Sbarra and Mr. Crean, Mr. Vogt explained the mechanical bays will be removed and the existing pylon sign is very close to the right-of-way. He explained the side of the building that is facing Franklin Tpke. will receive a frontage façade with landscaping installed as well. In response to Mr. Donigian, Mr. Vogt noted the building would reduce to a width of 67ft. if changed to 3000 sq.ft.; they could achieve close to a 30ft. front setback. Mr. Vogt explained the tanks are not currently located in the same location as is proposed. In response to Mr. Donigian, Mr. Whitaker noted the property is currently leased with the option to purchase.

At this time, Mr. Sherer referred back to Item No. **VI. 1.**

B) OLD BUSINESS

Mr. Kelly explained the Administrative Officer has the ability to direct any application to the Planning Board for review and comment. However, he suggested reviewing and handling minor, routine applications to avoid numerous applications coming before the Board. Mr. Bagatelle suggested providing a summary to the Board and if the members request additional information they would have the ability to ask for same. In response to Mr. Crean, Mr. Kelly explained he would

review applications that the Board had already approved for minor changes. Mr. Sherer advised this would be permitted moving forward.

C) COMMITTEE REPORTS

VIII. ADJOURNMENT

Motion to adjourn the meeting at 8:33 p.m. was made by Mr. Howard, seconded by Mr. Marcus and declared unanimously carried by Mr. Sherer.

Provided to the Planning Board
on May 6, 2016 for approval at
the Regular Meeting to be held
May 9, 2016



Donelle Bright DeCouto
Planning Board Recording Secretary