

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR/WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, SEPTEMBER 14, 2015 AT 7:30 P.M.**

I. CHAIRMAN'S OPENING STATEMENT, ROLL CALL, 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. Crean. 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. Crean
Mr. Donigian
Mr. Marcus
Mr. Weixeldorfer
Mr. Van Duren
Mr. Jandris
Mr. Lo Iacono

Professionals: Peter J. Scandariato, Esq., Michael Kelly, P.E., Eileen Banyra, P.P.

The following individuals were absent:

Mr. Bagatelle
Mr. Sherer

II. APPROVAL OF BILLS: None to present.

III. APPROVAL OF MINUTES: July 13, 2015

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

IV. RESOLUTION FOR MEMORIALIZATION:

- 1. E-BD-216-2841 – Mahwah NL Cedars Developer, LLC 8 Tree Farm Lane, Block 126, Lot 130.03 Resolution of Approval**

Motion to approve the resolution was made by Mayor Laforet and seconded by Mr. Donigian. A roll call of members present revealed 5 aye votes by Mayor Laforet, Ms. Ariemma, Mr. Donigian, Mr. Marcus, and Mr. Weixeldorfer.

2. Docket #569 - Ramsey Auto Group 440 Franklin Turnpike, Block 110.01, Lot 7 Resolution of Approval

Motion to approve the resolution was made by Mr. Donigian and seconded by Mr. Marcus. A roll call of members present revealed 5 aye votes by Ms. Ariemma, Mr. Crean, Mr. Donigian, Mr. Marcus, and Mr. Weixeldorfer.

V. OPEN TO THE PUBLIC – 15 MINUTES

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

No one wishing to be heard, motion to close the meeting to the public was made by Mr. Marcus, seconded by Mr. Jandris and declared unanimously carried by Mr. Crean.

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

VI. PUBLIC HEARING:

1. Docket #567 Cleymore, LLC 219 & 225 Ramapo Valley Road, Block 132, Lots 2 & 3
Minor Subdivision Application to add 26,167 square feet from Lot 3 to Lot 2

Bruce Whitaker, of McDonnell & Whitaker, LLC, appeared before the Board on behalf of the applicant. He explained the applicant was requesting a modification of lot lines. He informed the hotel parking is completely owned by the hotel and the parking for the Mason Jar restaurant is owned by the restaurant. The restaurant exceeds the required parking; however, there is a deficiency in parking for the hotel. In prior resolutions from 2001 and 2004, it was reflected there has been a historic deficiency in hotel parking due to the fact that the parking calculations include a hotel restaurant function. Upon approval, the hotel was required to provide parking for guestrooms as well as for the hotel's breakfast dining area, as it was considered a restaurant use. Therefore, the applicant is seeking a waiver for the number of hotel parking spaces. Mr. Whitaker explained that, by shifting the lot line, the formula for a buffer changes to 31.3 feet. He advised this change in the subdivision was a de minimus change, as there will be no construction and no noticeable difference; this is merely a modification of the lot line.

Mark Denisiuk, P.E., of Ferraro Engineering in Chester, NJ, appeared on behalf of the applicant. He explained all parking spaces that exist currently at the hotel will remain; there will be no change other than the lot line compared to what is there today. The parking as calculated for the restaurant (Mason Jar) exceeds the parking requirement and the hotel is deficient 10 parking spaces. In response to Ms. Ariemma, Mr. Whitaker explained that the hotel had an easement to park on the restaurant's property. They are changing this so the hotel will own these parking spaces rather than maintaining them without ownership. In response to Mr. Lo Iacono, Mr. Denisiuk explained one space has been removed from the restaurant due to the way the lot line shifted for the hotel parking. In response to Mr. Crean, Mr. Denisiuk informed the existing chain link fence will remain. Mr. Denisiuk explained this change in ownership made it easier for liability, property taxes, maintenance, etc... for both properties. The applicant agreed to comply with all points of concern in the Township Engineer's report.

In response to Mr. Kelly, Mr. Whitaker explained that parking at the locations has never been an issue. When presenting the original application, the Board was aware the parking was more than sufficient for the hotel and their breakfast area. Mr. Kelly acknowledged the one parking space being lost, and questioned whether this could cause issues with parking. Mr. Whitaker advised the one space should not be any issue with the restaurant owner.

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

No one wishing to be heard, motion to close the meeting to the public was made by Mr. Weixeldorfer, seconded by Mr. Marcus and declared unanimously carried by Mr. Crean.

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

- 2. 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.

Bruce Whitaker, of McDonnell and Whitaker, LLC, appeared before the Board and informed the property is located in the B10 zone. The applicant purchased the property and would like to occupy the building as a restaurant, which is a permitted use in the zone. The property in the past has not been clearly defined or maintained. It consists of two separate lots, one on either side of Brake Shoe Place; the applicant is proposing a deed restriction to be placed moving forward to require the lots be sold together and never separately. Additional parking would be located in the opposite lot where the garage is present. The applicant is proposing extensive renovations to the building and garage to bring it up to date and aesthetically cohesive to the area.

The applicant is seeking a series of variances and waivers; however, many of those issues pertain to the existing nonconforming conditions. Mr. Whitaker informed the area of each lot is smaller than the 10,000 ft. required, but, when combined, they are greater. The nonconforming setback is an existing condition. He ascertained that, upon completion, the site will be less offensive than what currently exists. The applicant is the owner of other restaurants and the owner will occupy the restaurant himself, rather than other management. Mr. Whitaker explained no new construction is proposed, but rather upgrades to building, the parking lot, and inclusion of a landscape component. He added the use of a nonconforming structure is permissible under the Municipal Land Use Law. The parking proposed will be deficient by three spaces, but there are other local sites with similar issues along the same roadway; Mr. Whitaker noted that Mahwah Bar and Grill is severely deficient in parking. He advised the applicant wished to take existing garage and use it for private recycling and refuse storage.

George Jamieson, principle of TWJ Mahwah Real Estate, LLC, explained he was looking to convert the building and lot across the street. He has been in the restaurant business since he was very young and currently owns ten active restaurants. He informed he was looking to move into town and is proposing a smaller Italian family style dining without a liquor license at this location. The proposed hours of operation would be from 11am-10pm, 7 days/week. There

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would be 6-8 maximum employees on site at any given time. Parking for these employees is possible at the storage facility, as he is friendly with those owners. Deliveries will be made off peak hours between 8-11am. Mr. Jamieson informed he would schedule private refuse pickup to take place within specific hours. He proposed the refuse to be picked up from the garage stall in the current garage; a key will be made for the refuse company or a staff member will open the garage for removal. Refuse will be wheeled across the street into the garage from the restaurant and no dumpsters will be exposed outside of the garage or restaurant. He is proposing to redesign the building to include architectural design reminiscent of an Italian villa.

Mr. Weixeldorfer expressed concern regarding the refuse storage. Mr. Lo Iacono questioned where the refuse would be stored prior to removal from the restaurant on a very busy evening. Mr. Jamieson explained there is a lot of storage space at this location. Refuse would be removed daily from the location; depending on the size of the container provided by the refuse company. Mayor Laforet expressed concerns regarding the parking issues that have impacted the residents in the area. Mr. Whitaker explained the parking will be delineated in the parking lot across from the main building. In response to Mr. Weixeldorfer, Mr. Jamieson confirmed the dumbwaiter was present between the two kitchens and can hold up to 300 lbs; therefore, it can transport food or refuse throughout busy operating hours.

In response to Mayor Laforet, Mr. Jamieson informed they are not looking to have takeout at the location. He agreed some patrons could come in and order and take out, but he was not anticipating this as a regular large customer base. In response to Mr. Weixeldorfer's concerns regarding parking, Mr. Kelly noted that there must be one space provided per 2.5 seats. He advised there are 17 proposed parking spaces, and the Township did not want the arrangement between the owner and the storage facility to dissolve, resulting in street parking in the residential area. Mr. Whitaker advised they arrange an agreement where the tenancy is dependent upon the employee parking at the self-storage facility. In response to Mr. Marcus, Mr. Jamieson informed the lot would be for self-parking.

Mr. Weixeldorfer noted popular restaurants in Mahwah usually result in a line-up of patrons and questioned how this could be handled with the proposed parking on site as well as street parking concerns. Mr. Whitaker explained there were a number of restaurants that provided signage prohibiting parking on the street for restaurant patrons. He added the owner wishes to be a good neighbor to the adjacent property owners and would provide same. In response to Mr. Kelly, Mr. Whitaker advised the applicant had no objection to providing signage indicating parking on the street was prohibited for restaurant patrons. He suggested providing "resident parking only- others will be ticketed" signage as well. Mr. Weixeldorfer expressed concerns regarding patrons abiding by those signs and did not want the Police Department policing this parking issue.

Mr. Scandariato advised the Township's Ordinance did not permit leased parking offsite to make up for the parking deficiency of the restaurant. Ms. Ariemma expressed concerns regarding the restaurant being completely occupied, resulting in parking needed to pick up takeout food. Mr. Whitaker advised there was no provision in the Ordinance for parking being necessary for takeout customers specifically. He noted many people currently park at other locations for the shops on the street. Mr. Marcus expressed concerns regarding the garbage being picked up on a daily basis, as there is a home right behind the garage. He reminded the applicant it was important to avoid odors in a residential area, but he also expressed concerns regarding the noise caused by the refuse removal truck.

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

Eileen Matarazzo, 99 Brake Shoe Place, expressed concerns regarding deliveries to the establishment between 8-11am, as a bus stop is located at the corner and could pose a safety issue. Mr. Whitaker advised the delivery times could be amended by the Board. Ms. Matarazzo expressed additional concerns regarding takeout orders being picked up at the front of the building, as she anticipated people parking on Route 202. Mr. Jamieson explained parking is not permitted on Ramapo Valley Rd. and the entrance is at the rear of the building.

Andy O'Connell, 110 Brake Shoe Place, informed his property is adjacent to the garage property. He expressed concerns regarding refuse removal and the noise after hours with the refuse being placed so close to his property (breaking bottles, opening garage, etc...). He was also concerned with the problems winter would pose to the removal of refuse. Mr. Jamieson advised he did not wish to alienate the neighbors and could get containers on wheels to get the refuse to the garbage area quickly and quietly. Mr. O'Connell acknowledged parking across from the main building and questioned if a crosswalk from the parking property to the main building restaurant would be installed. Mr. Jamieson stated he would like to have something in place to slow the traffic at that location.

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

Mayor Laforet cited concerns regarding transporting garbage approximately 75 ft. and questioned how the applicant anticipated completing this during snowfall. Mr. Whitaker advised the applicant may revisit having the refuse in a garage if the residents and the Board have an issue with the proposal. Mr. Weixeldorfer reminded if placing a receptacle behind the main building, it would reduce parking by another parking space. The applicant agreed to revisit the refuse storage and removal issue.

Jeff Doolittle, P.E appeared on behalf of the applicant and explained the existing conditions of the site. He noted that the lots were 7500 sq. ft. and 5932 sq. ft. with gravel parking on the one lot abutting the Mahwah River. He advised the two lots needed to function and act with one supporting the other. Lot 57 contains the principle structure while Lot 25 included an older two-car garage on the northwest corner of the lot. This garage is very close to the right-of-way and has lot width deficiencies. If the lots were looked at together as one large lot, most of the variance requests would disappear, as the lot size and total improved lot coverage would be conforming. In response to Mayor Laforet, Mr. Whitaker explained they are looking to make these lots dependent upon each other. Mr. Doolittle explained this site is in the neighborhood business area.

Mr. Doolittle explained Lot 57 is proposed to include: a curb where there will be a sidewalk for pedestrian access, seven parking spaces in the rear of the restaurant, and barrier free access via a ramp at the front of the building. Public access is proposed to the rear of the building, except for handicapped as previously noted. Storm drainage for runoff from the parking lot is proposed, so little will make its way to the street. The existing rear access to the property from Lot 58 must remain, as it is deeded to the property. Along the west edge of the rear parking area, a line of hydrangea plants will be planted; shade street trees will be installed along the property line at Brake Shoe Place. Additional smaller plants are proposed at the front

of the property and all other remaining areas will be sodded. Not much landscaping can be installed on the parking area, but it will be much more appealing than what exists today.

In response to Mr. Lo Iacono, Mr. Doolittle explained the closest space must be delineated for handicapped parking; an individual could travel along the sidewalk adjacent the building and can take the ramp at the front, which complies with ADA standards. The grade conditions are less than what the ADA calls for and it does comply. Mr. Kelly advised the parking space is at the correct location and the ADA requirements do not indicate where the applicant is required to place the ramp. However, they could explore ADA access at the rear of the building. Ms. Banyra also concurred that access to the ramp at the rear could be possible and encouraged this access be at the rear of the building.

Mr. Doolittle explained that Lot 25 will maintain the existing garage; half of the garage will be one parking space with the other used for refuse collection. He advised keeping refuse inside would help to control the cleanliness of the site. A curb line will be established based upon NJDEP requirements. The parking was placed to comply with the NJDEP requirements as proposed. The existing curb off of Ramapo Valley Rd. will be realigned and continue along Brake Shoe Place; and the telephone pole will be moved out of the roadway. Crosswalks will be implemented, as well as detection surfaces, and a stop bar will be placed at the mouth of Brake Shoe Place and Ramapo Valley Rd. Oak trees are proposed along the back line of the curb, as well as grassed areas where appropriate. Mr. Doolittle informed the applicant was proposing to install curbing and sidewalks where they do not currently exist; this would better delineate Brake Shoe Place.

In response to Mr. Weixeldorfer, Mr. Doolittle explained four light poles will be installed on Lot 25 and two will be installed at the rear of the main building. The lights will be 20ft. in height and placed behind the curb; shielding will be installed to ensure the light only extends approximately 24 ft. In response to Mr. Crean, Mr. Doolittle explained the garage was able to remain as an existing structure and the parking cannot be extended as per the NJDEP regulations for the riparian zone. Mr. Van Duren suggested removing the garage to increase parking spaces; he also suggested moving the refuse storage to Lot 57.

In response to Mr. Marcus, Mr. Doolittle informed a buffer is not proposed along Lots 57 and 58, as there is an easement between the two lots. Mr. Marcus suggested the dumpster may require removal from the garage to be pulled out into the street for collection to take place. He held concerns regarding the refuse company truck using public roadways for private refuse removal. Mr. Whitaker reminded the collection would take place off peak parking hours. Mr. Doolittle advised the collection containers would reflect the current refuse removal similar to residential pickup containers. Mayor Laforet expressed concern regarding daily pickup of refuse. Ms. Ariemma questioned who would use the parking garage for parking. Mr. Doolittle noted that either the first or last employee of the day would most likely use this parking. Ms. Ariemma expressed her opinion that an employee would not likely wish to park in a garage that houses refuse. Mr. Whitaker noted the applicant would look for a better alternative for the refuse and garage parking.

Mr. Lo Iacono expressed concerns as to whether patrons would use the crosswalk from the parking area to the main building. In response to Mr. Van Duren, Mr. Doolittle advised tables would not be located at the front of the building, as it was for handicapped access only. In response to Mr. Marcus, Mr. Doolittle informed the restaurant will hold responsibility for private snow removal; the snow will, most likely, be stored closest to the river. In response to Mr. Crean, the chain link fence is an existing structure between the two properties and will be removed. In response to Mr. Kelly, Mr. Doolittle confirmed the access into the site through the

rear access easement on Lot 57 would remain. The applicant was considering a circular traffic pattern at the rear of the restaurant; it will be a one-way traffic pattern. The back of the restaurant will be one way to keep the traffic pattern circular.

Mr. Doolittle advised of the requests for variances for the lot area, lot width, and minimum lot depth of the properties. The applicant agreed to provide drainage and topographic maps within 500 ft. of the properties. Mr. Kelly advised the applicant would require approval from the Township Council for improvements for the right-of-way. The applicant was requesting waivers for the minimum sideyard setback for a parking space, the driveway offset, buffers required, and sidewalk installation. A contribution to the sidewalk bank could be made in lieu of the sidewalk installation. Mr. Kelly advised the site plan requires Fire Prevention approval; he added the applicant needed to ascertain that runoff would not increase onto adjacent properties. He informed the Board required notice of the intended hours of operation for lighting and those hours needed to comply with the requirements set forth by the Police Department. The applicant agreed to permit the Township to reserve the right to require changes to the lighting plan. Mr. Kelly reminded that soil movement onto the property would require certification be provided to the Township to ensure clean fill.

Ms. Banyra suggested consideration be given to directing the handicapped entrance to the rear main entrance. She noted the proposed counterclockwise circulation around the island would make sense for parking and delivery circulation at the rear of the building. She informed signage to that effect should be provided. In response to Ms. Banyra, Mr. Whitaker confirmed the applicant would provide a lease agreement to include parking with the storage facility. Ms. Banyra advised sharing parking in this situation would not be detrimental and she advised the spaces in the lot would require striping. She informed the sod grass and tree plantings were beneficial and advised the applicant to ensure limited disturbance would take place. She also cited caution should be made when relocating the telephone pole, as trees could be affected. Ms. Banyra suggested exploring another option for the refuse storage as well as the usage of the typical large 48 gallon drums for same, as these could weigh in excess of 150-200lbs when full. In response to Mr. Van Duren, Mr. Doolittle stated there is a 25ft barrier to the river between the curb line and the parking lot.

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

Eileen Matarazzo; 99 Brake Shoe Place, requested information regarding landscaping along Route 202 on Lot 25. Mr. Doolittle advised the applicant intended to sod along the area to not impede on the sightline. Mr. Doolittle explained the exterior basement entrance on Lot 57 will be closed and a sidewalk with curb will be installed. He advised the applicant was aware of the bus stop at the corner of Ramapo Valley Rd. and Brake Shoe Place; he noted buses park adjacent to the building currently. They were anticipating the street parking to most likely move into the restaurant's parking lot during those peak bus stop hours, which is probably preferable to the current situation. Mr. Doolittle advised the overall safety of the site will improve with this proposal compared to the existing conditions.

In response to Ms. Matarazzo, Mr. Doolittle informed paving and drainage improvements will take place on both lots and water will be collected in seepage pits to be recharged back into the ground. He explained soil conditions are good for the uptake of water, but there will be additional tests to confirm this. Ms. Matarazzo expressed concerns regarding water and flooding issues at the location. Mr. Doolittle explained the proposed drainage pits are outside of the floodline and there should be adequate space for water flow. Ms. Matarazzo expressed concerns regarding gridlock and

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traffic issues along Route 202. Mr. Whitaker advised a traffic study was not conducted; he noted this application was for a permitted use in the B10 zone, which is why this was not conducted.

Andy O'Connell, 110 Brake Shoe Place, expressed concerns regarding the garage and refuse storage. Mr. Whitaker reiterated the applicant would revisit this issue. Mr. O'Connell expressed concerns regarding parking in front of the homes on Brake Shoe Place during peak business hours where there is overflow. Mr. Scandariato advised the Board could not address this issue, but the Township Council would make those changes. He noted signage is proposed by the applicant. Mr. O'Connell was concerned with vehicles backing out of the proposed parking lot into the street. Mr. Doolittle informed this current practice in the Township. Mr. Doolittle clarified the telephone pole will not be relocated behind the parking spaces, but will more than likely be at the grassed area closer to Route 202 at the intersection. Mr. Doolittle noted that the spaces in the garage counted towards the total parking (1 space for the car and another taken up by refuse collection). He noted there is no plan to provide an additional buffer for the garage than the current chain link fence already on site.

Motion to close the meeting to the public was made by Mayor Laforet, seconded by Mr. Marcus and declared unanimously carried by Mr. Crean.

Mr. Weixeldorfer questioned emergency vehicle circulation on site. Mr. Kelly advised the application was approved by Fire Prevention and the Police Department. The Police Department only questioned a liquor license, which the applicant informed would not be necessary for his establishment. Mr. Marcus suggested providing a solid fence between the garage and the adjacent home. Mr. Kelly noted the applicant was able to provide a solid fence up the front of the garage at 6 ft. in height as per the Township's regulations. In response to Ms. Banyra, Mr. Doolittle noted that the historic plaque will remain on site.

John Musinski, AIA, of JMA Architects, LLC, appeared before the Board. He detailed the proposed architectural changes to the main building, noting the applicant's desire to create a rustic restaurant modeling an Italian villa. He informed the main kitchen will be on the first floor with the prep kitchen on the lower level. The top level will hold paper storage and office space. A new entrance to the basement from the rear parking lot will be created with basement stairs intended for employee and delivery use only. The applicant proposed removal of the unsafe portion of the rear of the building and a gut of the entire building for renovations, which include a new roof, siding, and windows. The roof will be metal and will resemble clay tile; the exterior of the main building will be stucco. The current height of the building will remain unchanged. Mr. Musinski informed a larger sign along the side seen from Route 202 and facing Brake Shoe Place was proposed. An additional sign on Route 202 was also proposed. Mr. Kelly advised to detail at any waivers for sizing of the signage or letters on the signage proposed. Mr. Crean suggested researching the ability to use a wine bottle pictured on the sign as per the ABC. In response to Mr. Marcus, Mr. Musinski explained the woodfired oven would be gas powered.

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

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

The application was carried to 10/12/15 without need for further notice.

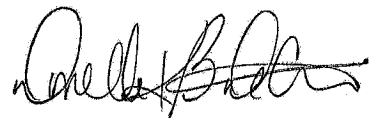
VII. WORK SESSION:

- A) NEW BUSINESS
- B) OLD BUSINESS
- C) COMMITTEE REPORTS

VIII. ADJOURNMENT

Motion to adjourn the meeting at 9:40 p.m. was made by Mr. Marcus, seconded by Mr. Donigian and declared unanimously carried by Mr. Crean.

Provided to the Planning Board
on October 9, 2015 for approval
at the Regular Meeting to be held
October 12, 2015



Donelle Bright DeCouto
Planning Board Recording Secretary