

**TOWNSHIP OF MAHWAH
BOARD OF ADJUSTMENT**

MINUTES

JULY 24, 2019

The combined public/work session meeting of the Board of Adjustment held at the Municipal Building, 475 Corporate Drive, Mahwah, NJ beginning at 7:33 pm was called to order by Mr. Rabolli, with the reading of the opening statement followed by the flag salute.

These minutes are a synopsis of the meeting. A verbatim audio tape recording is on file with the Board Secretary at the Board of Adjustment Office, 475 Corporate Drive, Mahwah, NJ. Copies of the tapes may be purchased for a fee.

Mr. Rabolli reminded all members of the Board that Board of Adjustment meetings are now being videoed and broadcast live.

PRESENT:

Mr. DeSilva
Mr. Jackson
Mr. Kearney (in at 7:35 pm)
Mr. Rabolli
Mr. Straffin

ABSENT:

Mr. Calijone
Mr. Montroy (Recused)
Mr. Whiteman

ATTORNEY:

Mr. Ben Cascio, Esq.

PROFESSIONALS:

Ms. Eileen Bolan, P.E., Boswell Engineering until
Mr. Mike Kelly, P.E., Boswell Engineering arrived 7:50 pm

I. APPOINTMENT

Mr. Richard Cannava was sworn in by Mr. Cascio as a Class IV Board of Adjustment Member, filling the unexpired term of Mr. Joe Larson.

II. APPROVAL OF BILLS:

6/5/19; 6/19/19	\$500.00	Ben Cascio, Esq. – Attendance Two meetings
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A motion to approve the bills was made by Mr. Kearney, seconded by Mr. DeSilva. A roll call vote revealed 5 aye votes by Mr. DeSilva, Mr. Jackson, Mr. Kearney, Mr. Rabolli and Mr. Straffin.

III. APPROVAL OF MINUTES:

A. MINUTES OF APRIL 17, 2019

A motion to approve was made by Mr. Jackson, seconded by Mr. DeSilva. All eligible members voted in favor.

B. MINUTES OF MAY 1, 2019

A motion to approve was made by Mr. DeSilva, seconded by Mr. Jackson. All eligible members voted in favor.

IV. MEMORIALIZING RESOLUTIONS:

**1. DOCKET #1464-19 – JOSEPH AND KAREN HALLAK
29 JAMES BRITE CIRCLE, BLOCK 21.01, LOT 20**

Application for a “C” Variance to construct an in-ground pool in a front yard.

Mr. Cascio read from Page 4 of the Resolution granting approval.

A motion to approve was made by Mr. Straffin, seconded by Mr. Rabolli. A roll call vote of eligible voters revealed 3 aye votes by Mr. Jackson, Mr. Rabolli and Mr. Straffin.

V. OPEN TO THE PUBLIC:

Mr. Rabolli opened the meeting to the Public for general questions or statements. None were received.

VI. PUBLIC HEARING(S):

**1. DOCKET #1463-19 – AMPL1, LLC
555 MACARTHUR BOULEVARD, BLOCK 135, LOT 61.02**

Application for a “D” Use Variance for Preliminary and Final Major Site Plan Approval with Use and Bulk Variance Relief to utilize the existing industrial building as a distribution center with accessory office space, and to demolish the existing office building and replace it with additional parking.

It was noted that everyone present in the audience was a member of the Applicant's team.

Mr. Cascio stated that the Notice and Affidavit of Service were in order.

Mr. Howard Geneslaw, Esq., Gibbons BC, 50 West State Street, Trenton, NJ
approached on behalf of the Applicant.

Mr. Cascio commented that two issues of conflicts have been raised; Mr. Montroy and Mr. DeSilva. Mr. Montroy is on the Board of Trustees at Ramapo College in a position of leadership and has recused himself from this application. Mr. DeSilva is a member of the Ramapo College Foundation which is not a position of authority or leadership. Mr. Geneslaw added to the record that he has no objection to Mr. DeSilva participating. Mr. DeSilva added that he sees no issue of conflict.

Mr. Cascio stated that there is also an issue of potential conflict with Maser Consulting, the firm of the Planner, Ms. Lawlor. Mr. Geneslaw stated that it came to light that Ms. Lawlor's firm does other work for some subsidiaries of the parent company of the Applicant, not involving this application and that there was no objection to Ms. Lawlor participating on this application. Ms. Lawlor confirmed that she has no involvement with Prologis/APML1, LLC and that she could hear the matter impartially.

Mr. Geneslaw gave a brief overview of the application and stated that the site was previously approved by the Planning Board in the late 1980's and was previously occupied by Jaguar Land Rover from 1989 to 2018 as its Headquarters. The property consists of approximately 20 acres with two buildings; an office and research building of 56,464 square feet, and an industrial building of 87,245 square feet. The buildings are connected by a sky bridge. The property is located in the ORP-200 Zone where the proposed use as a distribution center with accessory office space is not permitted. The Applicant proposes to demolish the existing office and research building, and the sky bridge, and replace them with on-site improvements and parking to accommodate deliveries. The existing industrial building is proposed to be repurposed as a distribution center with accessory office space. Mr. Geneslaw made reference to the consultant reports from Boswell Engineering and Maser Consulting where variances concerning signage were identified. One of the reports requested an amendment to the application in order to seek those variances. Mr. Geneslaw offered into evidence exhibits which outline the requests for relief and the additional items flagged in the Boswell Engineering and Maser Consulting reports. The Exhibit List was distributed to the Members of the Board.

- Exhibit A - Board of Adjustment Application and Checklist
- Exhibit B - Project Description and Justification for Relief

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- Exhibit C - Memorandum of Agreement between 555 MacArthur Boulevard, LLC and Applicant
- Exhibit D - Corporate Disclosure for Applicant
- Exhibit E - Calculation of Application Fees and Escrow
- Exhibit F - Summary of Prior Approvals for the Property
- Exhibit G - Deed Restrictions and Easements on the Property
- Exhibit H - Photographs of the Property and Existing Structures
- Exhibit I - Proof of Payment of Taxes for Property
- Exhibit J - Names and Addresses of Project Development Team
- Exhibit K - List of Required Governmental Approvals
- Exhibit L - Determination of Completeness Checklist, Site Plan
- Exhibit M - Historic Preservation Commission Data Sheet
- Exhibit N - Owner Consent

Mr. Geneslaw called his first witness; **Mr. John Bancroft, Senior Vice President of Customer-Led Development for Prologis, 1 Meadowland Plaza, East Rutherford, NJ** approached and was sworn in by Mr. Rabolli as a Fact Witness and provided his experience. Mr. Bancroft stated that Amazon approached them regarding the Mahwah Site. Prologis has other business in Mahwah. In response to Mr. Jackson's inquiry as to who would be the owner, Mr. Bancroft stated that Prologis is the Parent Company, AMPL1, LLC is the Owner Subsidiary and Amazon is the Customer/Tenant. Mr. Cascio asked if Amazon was getting into the drone business. Mr. Bancroft replied, not to his knowledge for this site. Mr. Rabolli commented; no drones. If that should happen, the Applicant would have to return before the Board. Further discussion took place regarding the mode of operations, term of the lease, expected daily deliveries, and action to be taken in the event of issues with the development.

There were no further questions from the Board or the Public for Mr. Bancroft.

Mr. Geneslaw called his second witness; **Mr. Richard Burrow, Langan Engineering 300 Kimball Drive, Parsippany, NJ** approached, gave his credentials as a Licensed Professional Engineer in the State of NJ, and was sworn in by Mr. Rabolli as an Expert in Civil Engineering, Site Operations. Mr. Burrow presented the Preliminary and Final Site Plan Application, prepared by Langan Engineering and Environmental Services, dated May 28, 2019, which consisted of eighteen (18) descriptive sheets, including the Demolition Plan, Striping and Signage Plan, Grading and Drainage Plan, Storm Sewer

Profile, Soil Erosion and Sediment Control Plan, Landscape Plan, Lighting Plan, Truck Circulation Plan, and site details.

Additionally, the following documents/photos were offered and entered into evidence:

- Exhibit A-1 - Requested Exceptions and Variances
- Exhibit A-2 - 2018 Photo; described the site
- Exhibit A-3 - 2018 Photo of the buildings to be demolished, parking lots and entrances
- Exhibit A-3A - 2002 Photos of cars and trucks on site during Jaguar's occupancy
- Exhibit A-4 - Rendering of the Site Plan – proposed redevelopment 8,700 square feet remains, 10,000 square feet office remains, parking lot, covered loading area
- Exhibit A-5 - Vehicular Use Plan; approximately forty (40) drivers will arrive at 30 minute intervals; purple – loading, blue – delivery, cars during the day

Due to the 'wave' of vehicles coming and going, there is no need for double the amount of parking spaces. Flex drivers arrive in the afternoon, in their own vehicles. There are fourteen (14) spaces in the Northern driveway to accommodate employees and customer returns. There are six (6) loading docks. Each vehicle takes approximately 15-20 minutes to load.

A discussion took place regarding the concern of the outflow of traffic onto Macarthur Boulevard. It is important that the vehicle drivers have clear direction.

- Exhibit A-6 - Signage & Striping Plan, SS101
- Exhibit A-7 - Signage & Striping Details, SS501
- Exhibit A-8 - Signage & Striping Details, SS502

The proposed signage is larger than the Ordinance allows. The Ordinance allows for 3 square feet, the proposed signs are 6 square feet. The largest signs are 4 x 5 = 20 square feet. A variance for signs greater than 3 feet is requested. The Logo signs are not intended for advertisement. The site is 20 acres; drivers are reading the signs from 20-80 feet away. Mr. Burrow noted that the signs are the same size in all of the Applicant's locations and have not caused a safety issue. There will be monument signs, one for each entrance with the Tenant's name and building address, and one for wayfinding. Tractor trailers will enter via the Northern entrance only. The Southern entrance will be for

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delivery vans only. In the event an entrance is missed, a tractor trailer would be able to make a right turn to enter through the gate.

- Exhibit A-9 - Truck Circulation Plan; complying with the Fire Official's Comments with regard to fire access
- Exhibit A-10 - Landscaping Plan; only a few trees and shrubs are being removed. There are three (3) existing light poles, only two (2) are working. All new LED lights are being installed. The new 25 foot high fixtures meet requirements.
- Exhibit A-11 - Site Screening – photos of four (4) views
- Exhibit A-12 - Cover Sheet of Site Plan Set; GI 101 – the Canopy is included in the coverage calculations on Exhibit A-5 – loading area.
- Exhibit A-13 - Mock-up of Exit Sign; 24" x 36", distance 80 feet

Mr. Burrow stated that there will be no maintenance or fueling done on site; possibly a flat tire change, and that there are no plans for electric vehicles. Mr. Kelly commented that if there are future plans for vehicle charging stations, it should be added to the Conditions of Approval to avoid having to come back before the Board.

Concerns in both the Maser Consulting and Boswell Engineering reports were addressed, i.e., signs greater than 3 feet, logo signs, parking lots, storm water calculations, Guard House, canopy, idling of vehicles, loading docks, and soil movement.

There were no further questions from the Board or the Public for Mr. Burrow.

Mr. Geneslaw called his third witness; **Mr. Daniel Disario, Langan Engineering 989 Lennox Drive, Lawrenceville, NJ** approached, provided his experience and credentials as a Certified Traffic Transportation Engineer, and was sworn in by Mr. Rabolli as an Expert in Traffic Engineering. Mr. Disario gave the specifics of the traffic study done on May 23, 2019 and stated that the four (4) lane road is to the advantage of the site. Other than the Logo on the trucks, the traffic impact might go unnoticed.

Relating to the facilities, Mr. Disario commented that the employees work multiple shifts;

- 11:00 pm – 8:00 am – Unloading, sorting by route, approximately 100 employees
- 8:00 am – 12:00 pm – Inside and managing loading, approximately 50 employees

Tractor Trailers will be mandated to use the Route 17 corridor, up Macarthur Boulevard. Approximately 15 tractor trailers (one or two every hour) will deliver between 10:00 pm and 4:00 am, off load and leave. If there is a demand for same day delivery, there may be one tractor trailer during the day.

Further discussion took place regarding route of travel, delivery van schedules, loading spaces and times, noise pollution, and residential impact. The Tenant will have complete control over operations including Courier companies, which are sub-contractors. Yard Marshalls will manage the traffic flow. An impact study was done regarding noise pollution, resulting in virtually no impact, as the residential area is 1,200 – 1,500 feet away and noise is drowned out by Interstate 287 traffic. Mr. Rabolli stated that it was not necessary to hear from an architect or noise expert. Reference was made to Jaguar having 400 employees and no history of traffic issues. Mr. Kelly stated that modification of timing of vehicles approaching Ridge Road and Macarthur Boulevard and signal time may be necessary, and requested that the Applicant work with the Township Engineer, if required.

There were no further questions from the Board or the Public for Mr. Disario.

Mr. Rabolli announced a five (5) minute break at 9:46 pm.

Public Hearing for **Docket #1463-19 – AMPL1, LLC** resumed at 9:51 pm.

Mr. Geneslaw called his fourth witness; **Mr. Sean Moronski, Langan Engineering, 300 Kimball Drive, Parsippany, NJ** who had previously been recognized as a Professional Planner, approached, was sworn in Mr. Rabolli and recognized as an Expert in Planning. Mr. Moronski stated that he has reviewed the site, the plans, the Professional reports, the Zoning Ordinances, and the Master Plan. Mr. Moronski described the relief the Applicant is seeking. Referencing the three (3) types of D1 Use Variances; Inherently Beneficial, Hardship and Particularly Suited, Mr. Moronski concluded that the proposed use is Particularly Suited for this Application. Reference was also made to the prior Applicant, Innovation Labs, receiving this Board's approval for sufficient logistics for the proposed use, having a locational advantage near Interstate 287 and Route 17. Screening is adequate. The property is located in the Highlands Planning Area where existing infrastructure is available and within the Highlands Center where development is encouraged.

Continuing, Mr. Moronski gave his opinion concerning the purposes of the Municipal Land Use Law (MLUL) 40:55D-2, and stated, that in his opinion, there would be no substantial impairment of the Zoning Ordinance or Zone Plan.

Mr. Moronski gave testimony regarding signage for identification of the site as well as internal directional signs to provide direction and address safety concerns on-site. With respect to Negative Criteria, Mr. Moronski stated that there would be no substantial detriment to the Public good and no substantial traffic impact resulting from the proposed sign variances. Granting the variances is consistent with Goal 9 of the 2013 Master Plan to encourage new development and redevelopment. The benefits of the C Variances outweigh any detriments. The freestanding signs at driveways and the proposed wall signs meet sign area requirements.

Mr. Moronski testified that the Applicant proposes using depressed curbing, including flush curbing where 6 inch curbing is required. Rain gardens were requested by the Highlands Council as an aesthetic landscaping improvement.

The Applicant is seeking a design standard exception with respect to handicap accessibility requirements in the Township Code, and will comply with Federal and State requirements.

A discussion took place regarding the event of changes to the scheduling of tractor trailers, i.e., all day long. Mr. Moronski stated that the Applicant would have to come back before the Board. If the Tenant is not in compliance, it would be cited or called back. Mr. Kelly commented that if the Tenant operates differently, they would be in violation. Mr. Kelly added that a different Tenant would go through the Zoning Officer, but may still need to appear before the Board. The responsibility is ultimately of the property owner.

There were no further questions from the Board for this witness. No members of the Public were in attendance. There was no closing statement.

A motion to move into Work Session was made by Mr. DeSilva, seconded by Mr. Kearney. All voted in favor.

VII. WORK SESSION:

1. DOCKET #1463-19 – AMPL1, LLC 555 MACARTHUR BOULEVARD, BLOCK 135, LOT 61.02

Application for a “D” Use Variance for Preliminary and Final Major Site Plan Approval with Use and Bulk Variance Relief to utilize the existing industrial building as a distribution center with accessory office space, and to demolish the existing office building and replace it with additional parking.

Mr. Kearney commented that based on the testimony and the way business is done today, the proposed use of the site was beneficial; there were no traffic detriments to the residential areas, nothing negative, it is a positive use.

Mr. Cannava requested that the turnaround be added to the Resolution.

Mr. Kelly read a list of conditions that will be included in the Resolution.

Mr. Rabolli summarized and described the C and D Variances. Mr. Rabolli concluded that the proposed use of the property for a distribution center is particularly suited for this site and is no more intense than some of the permitted uses would be, such as an office building with all employees starting and ending the workday at the same time. There is no substantial detriment to the Public good.

A motion to approve was made by Mr. Kearney, seconded by Mr. DeSilva. A roll call vote revealed 6 aye votes by Mr. Cannava, Mr. DeSilva, Mr. Jackson, Mr. Kearney, Mr. Rabolli, and Mr. Straffin.

A motion to go out of Work Session was made by Mr. Kearney, seconded by Mr. DeSilva. All voted in favor.

VIII. ADJOURNMENT:

The meeting adjourned at 10:32 p.m. on a motion by Mr. DeSilva, seconded by Mr. Kearney. All voted in favor.

These minutes were prepared by Sylvia Gerou, Zoning Board Recording Secretary. The minutes were provided to the Board of Adjustment on September 17, 2019 for approval at the Regular Meeting to be held on September 18, 2019.