

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR /WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, NJ
MONDAY, DECEMBER 3, 2018 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 Drive, Mahwah, NJ was called to order at 7:31 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 Drive, Mahwah, NJ. Copies may be purchased for a fee.

II. Roll Call:

The following individuals were present:

Mayor Roth
Mr. Crean
Mr. Ervin
Mr. Howard
Mr. Lo Iacono
Mr. Sherer
Ms. Steinberg
Ms. Galow

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

The following individuals were absent:

Mr. Donigian
Mr. Grewal
Mr. Van Duren

III. APPROVAL OF BILLS:

Phillip’s Nizer	August 2018	General	\$198.00
Phillip’s Nizer	September 2018	General	\$82.50
Peter Scandariato	October 2018	Meeting Attendance	\$250.00
Phillip’s Nizer	October 2018	General	\$231.00

A motion to approve the above bills was made by Mr. Howard and seconded by Ms. Steinberg. A roll call of members present revealed 7 aye votes by Mr. Crean,

Mr. Ervin, Mr. Howard, Mr. Lo Iacono, Mr. Sherer, Ms. Steinberg and Ms. Galow. Mayor Roth abstained as all bills were incurred prior to his time on the Board.

IV. APPROVAL OF MINUTES:

1. October 22, 2018

A motion to approve the above minutes was made by Mr. Crean and seconded by Ms. Galow. A roll call of members present revealed 4 aye votes by Mr. Crean, Mr. Lo Iacono, Ms. Steinberg and Ms. Galow.

2. November 19, 2018

A motion to approve the above minutes was made by Mr. Ervin and seconded by Ms. Steinberg. A roll call of members present revealed 6 aye votes by Mr. Ervin, Mr. Howard, Mr. Lo Iacono, Mr. Sherer, Ms. Steinberg and Ms. Galow.

V. RESOLUTION FOR MEMORIALIZATION:

**1. Docket #586 – Greg Della Penna
28 Turners Lake Drive, Block 156, Lot 8
Request for Extension of Minor Subdivision Approval**

A motion to adopt the Resolution was made by Ms. Steinberg and seconded by Ms. Galow. A roll call of members present revealed 6 aye votes by Mr. Ervin, Mr. Howard, Mr. Lo Iacono, Mr. Sherer, Ms. Steinberg and Ms. Galow.

VI. OPEN TO THE PUBLIC – 15 MINUTES:

A motion to open the meeting to the public was made by Mr. Ervin, seconded by Mr. Howard and declared unanimously carried by Mr. Sherer.

Mr. John Fesen of 20 Falcon Court approached. Mr. Fesen asked if there was any communication between the Bergen County Gun Range and the Planning Board regarding the County shooting range. Mr. Sherer recalled that County representatives came before the Board providing the Board with an opportunity to review their plans and give input. Mr. Fesen stated that communication was asked for and hasn't been received. Mr. Sherer stated that there was not further communication with the Planning Board.

A motion to close the meeting to the public was made by Mr. Lo Iacono, seconded by Mr. Howard and declared unanimously carried by Mr. Sherer.

VII. PUBLIC HEARING(S):

1. Docket #509A – 17 Franklin LLC

1-21 Franklin Turnpike, Block 69, Lots 1, 2, 3, Amended Site Plan and Removal of Condition #3, within the originally approved resolution of June 11, 2007, to permit a dental and/or medical office.

Mr. Bruce Whitaker of McDonnell & Whitaker, L.L.C of Ramsey, NJ appeared on behalf of the Applicant, 17 Franklin LLC. Mr. Whitaker gave a history and overview of the redevelopment of the property. Mr. Whitaker explained that at the time of development, the Applicant agreed to a waiver restricting medical use due to concerns on the parking demands. Mr. Whitaker proposed that there is sufficient, if not excessive parking for the proposed tenant's use. Mr. Whitaker requested that the restriction for medical use be removed as it pertains to this application and that a parking waiver be granted to allow Dr. Cha to lease office space for a dental office with three chairs. Mr. Whitaker explained that they were also seeking an amended site plan. Mr. Whitaker stated that the Applicant is proposing modifications to increase the parking lot by 8 spaces for a total of 120 spaces. Mr. Whitaker proposed to use the 158 parking space requirement from Ms. Lawlor's planning report, dated November 26, 2018. Mr. Whitaker discussed the outdated parking ordinances, reviewed the parking needs and the minimal spaces that would be needed for this small dental office. Mr. Whitaker explained that a parking analysis would be presented so that the Board could see what actual parking needs have been at the site.

Dr. Jenny Cha, of 23 Aster Lane, Garfield NJ approached, was sworn in and provided her professional background. Ms. Cha explained that she wanted to establish a practice of General Dentistry in Mahwah. Ms. Cha agreed that she would be the sole dentist at this site. She agreed that in the future another dentist might use the space when she is not present. Dr. Cha explained that at one time, there would only be one dentist in the space. Dr. Cha stated that in addition to herself, the office would also have a dental hygienist, a dental assistant and a patient coordinator. The office would have three chairs. The hygienist and dentist would each be active using one chair/room while the third chair/room would be sterilized and waiting for the next patient. Dr. Cha agreed that based on this activity she felt the parking was sufficient.

Dr. Cha explained that it would be appointment only, with hours as follows to start:

Monday from 10:00 a.m. to 7:00 p.m.
Tuesday from 9:00 a.m. to 6:00 p.m.
Thursday from 11:00 a.m. to 7:00 p.m.
Saturday from 9:00 a.m. to 2:00 p.m. (twice a month)

Mr. Whitaker suggested that in the future, the offices might also operate on Wednesday and Friday with similar hours. Dr. Cha agreed.

In response to questions from the Board, Mr. Whitaker specified that parking for the office would be in the rear and that there would not be assigned parking spots as all spots are open.

A motion to open the meeting to the public was made by Mr. Crean, seconded by Mr. Ervin and declared unanimously carried by Mr. Sherer.

No one wishing to be heard, a motion to close the meeting to the public was made by Mr. Ervin, seconded by Mr. Howard and declared unanimously carried by Mr. Sherer.

Mr. William Rukin, of 247 Greenridge Road, Franklin Lakes, NJ, approached and was sworn in. Mr. Rukin explained that his family has been involved with this property for about 80 years. He stated that he was involved in the application when the property was redeveloped as the Gateway property. Mr. Rukin agreed with Mr. Whitaker's summary of the stipulation excluding the use of the space for medical offices. Mr. Rukin stated that he is a principal of the company, a member of the LLC, and he manages the company that oversees the property. Mr. Rukin explained that he is very involved with the tenants and visits the site often.

Mr. Whitaker previously submitted the Gateway Parking Analysis of November 30, 2018. Mr. Rukin referred to this report noting that he had observed the parking counts at scattered times over many days. Mr. Whitaker and Mr. Rukin reviewed the analysis pointing out that the parking never exceeded 75% full. Mr. Rukin explained that his concerns are for all tenants. He stated that they create a parking analysis on a regular basis to be sure there are no problems. Mr. Whitaker and Mr. Rukin agreed that the Township's 20 spot parking requirement for a dentist office exceeded what would be needed for Dr. Cha's office.

Mr. Sherer commented that the parking analysis was the best he had seen. He told Mr. Rukin how much he and the Board appreciated this information recalling how concerned they were about the parking.

In response to Mr. Kelly's question, Mr. Rukin stated that this office space is the last that is currently available. Mr. Kelly stated that he is familiar with the site and feels the analysis closely represents what is there. Mr. Kelly stated that he was not opposed to the proposed additional parking.

Mr. Lo Iacono asked about the electrical box that was being removed. Mr. Rukin explained that Orange and Rockland has removed the towers that they previously had at the site. As a result, the protective bollards are being removed to make room for additional parking.

Ms. Galow asked who was in the office space previously. Mr. Rukin discussed that the previous tenant was a lawyer and that the dentist would use more parking which is being offset by the new spaces being added.

Mayor Roth asked for clarification about the parking count calculations. There was discussion explaining how different proposed uses would impact the requirements significantly. There was discussion that this is an area where the Township Ordinance could be improved. In response to Board concerns, Mr. Kelly explained that Tenant Applications are required for all tenants and that the Township Zoning Officer reviews each application, what the use is and the associated parking needs.

Mr. Howard pointed out that the parking analysis didn't account for the parking between the hours of 7:00 p.m. – 9:00 p.m., when Dance Studio parents are picking up and dropping off, often double parked. There was discussion about how the extra spaces might help this and a suggestion that this time frame should be looked at in terms of the parking. Mr. Rukin stated that he would look into it further.

A motion to open the meeting to the public was made by Mr. Ervin, seconded by Ms. Steinberg and declared unanimously carried by Mr. Sherer.

No one wishing to be heard, a motion to close the meeting to the public was made by Mr. LoIacono, seconded by Ms. Steinberg and declared unanimously carried by Mr. Sherer.

Mr. Dawson Bloom, P.E., of McLaren Engineering Group, 530 Chestnut Ridge Rd, Woodcliff Lake, NJ approached. Mr. Bloom was sworn in, provided his credentials and was accepted by the Board as an expert professional engineer. Mr. Bloom stated that he has worked with the Applicant on this project, designed the plan and has read both the Township's Planning and Engineering reports regarding the application of November 27, 2018 and November 26, 2018 respectively.

Mr. Bloom presented the Parking Plan dated June 22, 2018. This plan was submitted with the application. Mr. Bloom showed how and where the additional parking spaces would be added. Mr. Bloom specified that all the comments made in the professional reports would be addressed including the fire lane striping.

A motion to open the meeting to the public was made by Mr. Howard, seconded by Ms. Galow and declared unanimously carried by Mr. Sherer.

No one wishing to be heard, a motion to close the meeting to the public was made by Mr. Ervin, seconded by Ms. Galow and declared unanimously carried by Mr. Sherer.

Mr. Whitaker concluded their presentation requesting that based on the testimony presented, the Board approve the amended site plan and remove the restriction for medical use as it pertains to this application.

Mr. Crean asked how the Board would know if another dentist was practicing in this office. Mr. Scandariato stated that a Tenant approval would be required for a new

dentist. There was discussion about whether the Board would know if another dentist was added to the existing practice. The Board concluded that the number of dentists would be limited by the number of chairs and square footage of the office.

Motion to approve the application with conditions was made by Mr. Ervin and seconded by Mr. Crean.

A roll call of members present revealed 8 aye votes by Mayor Roth, Mr. Crean, Mr. Ervin, Mr. Howard, Mr. Lo Iacono, Mr. Sherer, Mr. Steinberg, and Ms. Galow.

VIII. WORK SESSION:

A) NEW BUSINESS

1. Docket #598 Selim Bagdadi

45 Chestnut St, Block 167, Lot 45

Conceptual Review, Proposed Minor Subdivision

Mr. Bruce Whitaker of McDonnell & Whitaker, L.L.C of Ramsey, NJ appeared on behalf of the Applicant, Mr. Selim Bagdadi. Mr. Whitaker explained that this was a request for the Board to comment and input on a potential application. Mr. Whitaker mentioned that he had submitted a November 9, 2018 letter from his office and a plan of November 5, 2018. He explained that his client is a contract purchaser of the property. He described the property as a large strip of land that is located on Strong Street which is split in two zones. He reviewed the proposed subdivision as depicted on the plan. The plan depicted a cul-de-sac at the end of Strong Street providing frontage for four non-conforming lots. Mr. Whitaker pointed out an additional lot fronting Chestnut Street that would be conforming to the R40 Zone requirements.

Mr. Kelly specified that the proposal does not meet the zoning requirements, but did not want to speak for the Zoning Administrator. Mr. Kelly stated that there was benefit in having a cul-de-sac at the end of Strong Street but thought that four undersized non-conforming lots would not be looked on favorably. Ms. Lawlor agreed that the cul-de-sac was a positive impact but it was difficult to find other positive impacts. Mayor Roth summarized that the request was rezoning the area. There was discussion about possible changes to the proposal. Mr. Sherer summarized that the Board would like the cul-de-sac but doesn't find this proposal with four non-conforming lots workable. Mr. Sherer explained that the Board might consider a proposal with fewer, larger non-conforming lots.

B) OLD BUSINESS:

Mr. Ervin asked for an update on the Zoning Ordinance Review. Ms. Lawlor stated that her staff has it and has reactivated it. She stated that they are ready to sit down with the sub-committee. Ms. Lawlor explained that she sent a letter to Ms. Entrup to be

distributed to the sub-committee requesting comments and feedback. Ms. Wood will follow up on this with Ms. Entrup. There was discussion that the sub-committee should be updated to include Mayor Roth.

C) COMMITTEE REPORTS - None

IX. ADJOURNMENT:

A motion to adjourn the meeting at 8:30 p.m. was made by Mr. Ervin, seconded by Ms. Galow and unanimously carried by Mr. Sherer.

These minutes were prepared by Mary Jo Wood, Planning Board Secretary. The minutes were provided to the Planning Board on February 8, 2019 for approval at the Regular Meeting to be held February 11, 2019.