

**TOWNSHIP OF MAHWAH PLANNING BOARD  
REGULAR /WORK SESSION MEETING MINUTES  
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.  
MONDAY, FEBRUARY 12, 2018 AT 7:30 P.M.**

**I. CHAIRMAN’S OPENING STATEMENT, ROLL CALL, AND FLAG SALUTE**

The combined public/worksession 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 7:35 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.

**II. Roll Call**

The following individuals were present:

Mayor Laforet  
Mr. Crean  
Mr. Donigian  
Mr. Ervin  
Mr. Grewal  
Mr. Howard  
Mr. Lo Iacono  
Mr. Sherer  
Mr. Van Duren  
Ms. Steinberg  
Ms. Galow

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

**III. APPROVAL OF BILLS:**

Maser Consulting	12/18/17	Meeting Attendance	\$200.00
Peter Scandariato, Esq.	01/08/18	Meeting Attendance	\$250.00
Peter Scandariato, Esq.	01/22/18	Meeting Attendance	\$250.00

Motion to approve the bills was made by Mr. Crean and seconded by Mr. Donigian. A roll call of members present revealed 11 aye votes by Mayor Laforet, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Grewal, Mr. Howard, Mr. Lo Iacono, Mr. Sherer, Mr. Van Duren, Ms. Steinberg and Ms. Galow.

**IV. APPROVAL OF MINUTES:**

1. Minutes of December 18, 2017 - Regular Meeting

Motion to approve the minutes was made by Mr. Lo Iacono and seconded by Ms. Steinberg. A roll call of members present revealed 8 aye votes by Mayor Laforet, Mr. Crean, Mr. Grewal, Mr. Lo Iacono, Mr. Sherer, Mr. Van Duren, Ms. Steinberg, and Ms. Galow.

2. Minutes of January 8, 2018 - Regular Meeting

Motion to approve the minutes was made by Mr. Donigian and seconded by Mr. Van Duren. A roll call of members present revealed 6 aye votes by Mayor Laforet, Mr. Donigian, Mr. Lo Iacono, Mr. Sherer, Mr. Van Duren, and Ms. Steinburg.

3. Minutes of January 22, 2018 - Reorganization Meeting

Motion to approve the minutes was made by Mayor Laforet and seconded by Mr. Donigian. A roll call of members present revealed 8 aye votes by Mayor Laforet, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Grewal, Mr. Howard, Ms. Steinburg, and Ms. Galow.

4. Minutes of January 22, 2018 - Regular Meeting

Motion to approve the minutes was made by Mr. Crean and seconded by Mr. Howard. A roll Call of members present revealed 8 aye votes by Mayor Laforet, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Grewal, Mr. Howard, Ms. Steinburg and Ms. Galow.

**V. RESOLUTION(S) AUTHORIZING CONTRACTS FOR PROFESSIONALS:**

A) Amended Resolution Authorizing the Award of Alternate Non-Fair and Open Contract for Professional **Legal Services** for the Year Jan. 1, 2018 – Dec. 31, 2018\*

B) Amended Resolution Authorizing the Award of Alternate Non-Fair and Open Contract for Professional **Engineering Services** for the Year Jan. 1, 2018 – Dec. 31, 2018\*

C) Amended Resolution Authorizing the Award of Alternate Non-Fair and Open Contract for Professional **Planning Services** for the Year Jan. 1, 2018 – Dec. 31, 2018\*

\* Resolutions approved at January 22, 2018 meeting were amended to conform to newly Introduced State Code Compliance.

Motion to approve all above amended resolutions was made by Mayor Laforet and seconded by Ms. Steinberg. A roll call of members present revealed 11 aye votes by Mayor Laforet, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Grewal, Mr. Howard, Mr. Lo Iacono, Mr. Sherer, Mr. Van Duren, Ms. Steinberg and Ms. Galow.

**VI. RESOLUTION FOR MEMORIALIZATION: None to Present**

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

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

Mr. John Fesen of 20 Falcon Court approached and provided updates to concerns he has voiced at the last few Mahwah Planning Board meetings related to issues in nearby towns as well as work proposed at the Bergen County Gun Range located in Mahwah:

- Mr. Fesen stated that in Chestnut Ridge, N.Y., the Zoning Board of Appeals voted against the current use of a garage and a resolution will be written to be memorialized so that the Certificate of Occupancy will be pulled for that building. Mr. Fesen presented a related article to Mr. Sherer. There was further discussion about the Mahwah's Code, the definition of a garage and whether a garage is habitable. Mr. Kelly clarified that by code, a garage, as an accessory structure, may be habitable but it would not be livable.
- Mr. Fesen stated that the situation regarding record keeping on occupancy numbers for a private school in the Village of Airmont will be discussed again at their next meeting on March 8, 2018.
- Mr. Fesen expressed the importance of having the best code regulations in place now.
- Mr. Fesen stated that he presented his concerns about the Bergen County Firing Range at the County Board of Freeholders meeting. Mr. Fesen was given assurances at the Freeholders meeting, that the decibel level of the gun range will not go any higher. Mr. Fesen explained that there were no decibel measurements to quantify this but the assurance was given.
- Mr. Fesen expressed his desire to be a constructive citizen and provided a suggestion that the following occur prior to completing inspections for any permits:
  - A Township inspector would audit the entire house and compare this audit to Township records for accuracy of Township records.
  - The Township Tax Department records would be accessed to be sure that the taxes are paid and up to date.
  - The assessed value of the property would be evaluated. If the value is higher than what is on Township records, the value should be updated and appropriate taxes would be assessed.

Mr. Kelly explained that these suggestions would relate to the practices of the Building Department. Further discussion of Building Department procedures was referenced but it was suggested that Mr. Fesen have a discussion with the Building Department directly.

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

Due to the anticipated length of the Public Hearing portion of the meeting, Mr. Sherer rearranged the agenda and the Work Session for Docket #544SD was heard first.

Mayor Laforet left the meeting at 7:52 pm.

**VIII. WORK SESSION:**

**A. NEW BUSINESS**

**1. Dkt #544PMSD – Anthony Fasciano, et al.**

Monroe Drive, Blk 149, Lot 20

Request for Extension of Preliminary Approval Originally granted March 9, 2015.

Mr. Daniel Steinhagen, Esq. appeared on behalf of the Applicant and informed the Board that they have had delays in obtaining the sewer connection permit due to unexpected changes in the sewer service area map. He explained that they are diligently pursuing getting these changes resolved so that the D.E.P. approval of the sewer connection permit can be granted. Mr. Steinhagen requested a one-year extension.

A motion to approve the requested one-year extension was made by Mr. Lo Iacono 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 Laforet returned to the meeting at 7:52 pm.

**IX. PUBLIC HEARING:**

**1. Dkt #589 – KMG H&O Mahwah LLC**

440 Franklin Turnpike, Block 110.01 Lot 7

Preliminary and Final Site Plan with variances to demolish the existing building and construct a one-story warehouse and related site improvements.

Mr. Van Duren recused himself from Docket #589.

Mr. Jason Tuvel, Esq. of Prime Law, 141 Ayers Court, Suite B, Teaneck, NJ appeared on behalf of the Applicant. Mr. Tuvel gave a brief description of the application for the redevelopment of the property. Mr. Tuvel explained that this will include the demolition of the existing warehouse and construction of a new 120,000 square feet warehouse with office space as is required in the GI-80 Zone in which it is located. Mr. Tuvel discussed two variances. The first was the rear yard setback variance where a 65-foot setback is required and they are proposing 45.27 feet. The existing building has that same setback of 45.27 feet so it is not changing current conditions. Mr. Tuvel discussed the second variance regarding the building height. The Applicant proposes a building height of 43.90 feet while the requirements have a 40-foot limit. Mr. Tuvel explained that although they are increasing the footprint of the building, the overall lot coverage will be slightly reduced along with improvements to the property. Mr. Tuvel stated that there is no specific tenant. Mr. Tuvel concluded his introduction, stating that the internal and professional reports were reviewed and that he feels they can comply with the comments and recommendations listed in those reports.

Mr. Scandariato stated that the proof of publication and service was received from Mr. Tuvel and everything was in order.

Mr. Tuvel's first witness was his site engineer, Mr. Michael E. Dipple, PE of L2A Land Design, LLC, 60 Grand Avenue, Englewood, NJ 07631. Mr. Dipple was sworn in, gave his credentials and was accepted as an expert professional engineer. Mr. Dipple stated that he visited the site and the surrounding area. He testified that he was involved in the preparation of the site plans. Mr. Dipple presented Exhibit A-1, an aerial photograph of the site and described the existing conditions depicted on the photograph. Mr. Dipple explained that the existing height of around twenty feet and lower ceiling make the current building un-usable. He stated that the architect would discuss the height further. Mr. Dipple displayed his preliminary and final site plans that were submitted as part of the application. He then presented Exhibit A-2, dated February 12, 2018, a colorized copy of the site plan (Sheet C-03) with landscaping depicted. He testified that access to the site from Franklin Turnpike will remain the same and that there will be full access provided around the proposed building. The plans showed 12 parking spaces but Mr. Dipple testified that another would be added to meet the proposed 129 parking spaces along with 19 trailer staging area spaces. He described the proposed building as containing 120,000 square feet, consisting of 108,000 square feet of warehouse space and two offices, each containing 6,000 square feet (3,000 square feet on the ground floor and a 3,000 square feet mezzanine). There are loading spaces for 16 tractor trailer proposed. Mr. Dipple testified that landscaping on the site will be similar to what presently exists, with the addition of street trees and replacing trees that have gone missing.

In response to application review comments, Mr. Dipple explained that they were reversing the flow of traffic from what was depicted on the plan. It was revised so the flow moves in a southbound direction. Mr. Dipple described the location of the parking spaces. Mr. Dipple explained that the Applicant is proposing a setback of 45.27 feet from the northwest corner of the building to the property line. He said that this does not meet the 65 feet required but that this condition currently exists on the property. Mr. Dipple explained that the building is in a GI-80 Zone. Mr. Dipple reviewed the Zoning Table as listed on the site plans reviewing all the conditions that are in compliance with the requirements. Mr. Dipple explained that the Township Code permits a three-story building having a maximum height of 40 feet while the Applicant is proposing a one-story building having a maximum height of 43.9 feet. Mr. Dipple discussed the differences between the Township Code and the industry standard regarding parking requirements. The Applicant proposes 129 parking spaces.

Mr. Dipple discussed the grading, drainage and utilities. He explained that the present slope will be the same and that the impervious area will be reduced. He discussed minor changes that will result in an improved drainage collection system in the front and back. Mr. Dipple described the 100-foot wide Rockland Electric Company easement and the 50-foot wide Tennessee Gas Trans Company easement. Mr. Dipple testified that the Applicant will comply with all requirements of the utility companies applicable to the easements. Mr. Kelly asked that they provide documentation on the location of the gas main on the site plan. Mr. Dipple explained that they are working with Tennessee Gas on the identification of the location and depths as well as obtaining final approval from them. Copies of these documents will be provided to the Board for review.

Mr. Dipple described the proposed lighting which will include building mounted lights as well as pole mounted lights and LED lights. He explained that the LED lights will provide consistent lighting and that the light would not cross the property line. Additional sconces will

be added for each exit doorway. Mr. Tuvel stated that they would comply with any ordinances regarding hours of operation. The Board discussed that there would be lighting 24 hours a day as there is today with less light bleeding from the location.

There was a discussion about the height of the building noting that Franklin Turnpike is 14 feet higher than the height of this site. Mr. Dipple will work with the Township Engineer to supplement the existing landscaping, including improvement of the bus stop area. Mr. Dipple discussed that he will continue work reviewing the sight triangles with both the County and the Township Engineer. Just the one sign saying 440 is planned to be used. It may need to be moved due to sight triangles. All signs on site shall comply with the Township Code. Mr. Kelly discussed that if the Applicant proposes to deviate from the applicable provisions of the Township Code, the Applicant will need to return to the Planning Board for further review and approval. Mr. Tuvel agreed. Mr. Donigian asked if there would be a north bound turn lane for truck egress. It was stated that this would be discussed further on.

Mr. Dipple continued with a review of the Boswell letter of February 8, 2018. Mr. Dipple stated that they were good with all the comments. They will comply with Items #15-18. Item #19 outdoor trash storage is not being proposed. Mr. Dipple explained that as a tenant comes in they may want a trash compactor at a loading dock and that if the Board wanted it screened it may be difficult. Mr. Kelly suggested that this compactor site be the western most dock. Mr. Dipple discussed the 30 foot ramp that might be used for small sized vehicles such as a fork lift. They will provide a plan for emergency vehicle circulation noted in Item #24. Mr. Dipple agreed that they would remove the existing guard rail. Drainage and catch basins were discussed. Mr. Dipple agreed to all remaining items listed on the Boswell report. Mr. Dipple testified that the Applicant will provide Belgium block or concrete curbs along the entrance driveway. It was agreed that Mr. Kelly's comments regarding lighting would be addressed. Mr. Kelly requested that the Township reserve the right to request changes to the lighting for a period of 6 months after installation. Mr. Kelly questioned if there were any environmental concerns, ongoing monitoring or issues at the site. Mr. Tuvel stated that there were none to his client's knowledge.

Mr. Kelly discussed the waiver for parking space size. Nine feet by eighteen feet is proposed. Mr. Dipple explained that the proposed parking space size will result in less impervious area and the ability to provide larger buffers. Mr. Kelly stated that he was not opposed to the waiver. There was a discussion on waivers pertaining to parking, setback and aisle width. Depressed curb requirements were discussed. It was noted that if the Board approved the waiver to permit a depressed curb width up to 75 feet, the Applicant would work with the Township Engineer to ensure safe access to and from the site. After discussion on the landscaping criteria, Mr. Dipple stated that the Applicant will provide the calculations demonstrating that five percent of the parking area is landscaped. Mr. Kelly stated that a waiver should be requested for refuse collection and storage. Soil movement was mentioned and a soil application will need to be submitted. Mr. Tuvel will comply.

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

Mr. John Fesen of 20 Falcon Court approached and asked if there were other existing warehouses with this usage. It was explained that this a permitted use for the zone and there are existing buildings with this use.

A motion to close to the public was made by Mr. Laforet, seconded by Ms. Steinberg and declared unanimously carried by Mr. Sherer.

Mr. Sherer called a recess at 9:06 pm. The meeting reconvened at 9:14 pm.

Mr. Tuvel called Mr. Lee D. Klein of Bowman Consulting at 54 Horsehill Road, Cedar Knolls, N.J.. Mr. Klein was sworn in, presented his credentials and was accepted as an expert professional engineer. Mr. Klein presented a Traffic Engineering Evaluation dated January 31, 2018 which he had prepared. Mr. Klein has visited the site. Mr. Klein testified that, based on his evaluation, the current level of service at the site is Level E but that the anticipated level of service at the site with the proposed building will be Level D or one level of service better. It is Mr. Klein's opinion that the site will operate at Level C during the morning rush hour and at Level D during the evening rush hour. Mr. Klein also addressed the parking waiver. In his opinion, the Township Code requirement is excessive as compared to industry standards which he then explained.

There was discussion on the definition of the warehouse and how long a truck would be present. Mr. Klein clarified that they are looking at a typical warehouse operation anticipating the use of a WB67 tractor trailer. Mr. Klein testified that based on level of service a left turn lane would not be needed. Mr. Kelly requested a condition limiting truck trailer or passenger vehicle parking in designated areas only. Further discussion about traffic flow identified the need for the Applicant to work with the Township Engineer regarding interior signage. After discussion about tractor trailers coming into and leaving the facility, it was suggested that Mr. Kelly request that Bergen County restrict the truck egress as "no left turn" on to Franklin Turnpike. Mr. Kelly will also ask Bergen County to consider requiring a striped left turn lane on Franklin Turnpike. The intent was to help the flow of traffic keep moving along Franklin Turnpike when a truck was making a left into the parking lot. Discussion about foot traffic explained that curb depression and striping would be used to identify the driveway to pedestrians.

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

No one was wishing to be heard.

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

Mr. Tuvel called Mr. James E. DeBarbieri of DeBarbieri Architects, 97 Chestnut Street, Rutherford, NJ. Mr. DeBarbieri was sworn in, presented his credentials and was accepted as an expert professional architect. Mr. DeBarbieri presented Exhibit A-3, a series of colored elevations of the proposed building. He described the dimensions, color, textures and manner of construction of the building. He reviewed the loading docks, drive in doors, ramps and office entrances. Mr. DeBarbieri presented and reviewed Exhibit A-4, a colored rendering of the proposed building. Mr. Debarbieri discussed the signage above each office entrance. He discussed the proposed building

height of 43.9 feet and stated that the rooftop appurtenances would comply with the Township Ordinance requirements. Mr. DeBarbieri discussed the location of air conditioning units.

The Applicant agreed to supplement the existing landscaping so that the building is not obvious from Franklin Turnpike. There was discussion about what vehicles would be used and are commonly allowed in a warehouse. Mr. DeBarbieri described the advanced sprinkler system and energy efficient precast panels that will be used. Mr. Kelly recommended that a condition for approval would be that the rooftop appurtenances be shielded and that the Township Engineer would monitor this for a year, requesting changes if needed. It was agreed that building access would be provided to enter the building if rear parking was used for employees.

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

Mr. John Fesen of 20 Falcon Court approached and asked the square footage of the building. It was stated that the existing building size is approximately 100,000 and the proposed building is 120,000 square feet.

A motion to close to the public was made by Mr. Crean, seconded by Ms. Steinberg and declared unanimously carried by Mr. Sherer.

Mr. Tuvel called Joseph Burgis of Burgis Associates, Inc. 25 Westwood Ave, Westwood, N.J. Mr. Burgis was sworn in and accepted as an expert professional planner. Mr. Burgis said that he had visited the site and reviewed the application, plans and applicable Township Code provisions. Mr. Burgis outlined the 3 variances that are being requested. He explained the history of the Township Code related to parking spaces and discussed the industry "ITE" standards. Mr. Burgis discussed the variance relating to rear yard setback, testifying that there is a significant and adequate buffer along the rear property line blocking the view to the existing industrial building on the adjacent property to the west. Mr. Burgis also discussed the building height variance. He reiterated that the increase in building height would not be as noticeable since Franklin Turnpike is fourteen feet above the site. Mr. Burgis discussed how granting the requested variances would advance the purposes of the Municipal Land Use Law. Mr. Burgis summarized stating that the most recent Master Plan identified this site as appropriate for warehouse use at the intensity proposed by the Applicant and that the benefits of the redevelopment of this outdated site outweigh any possible detriments which might result from granting the two variances.

It was agreed that refuse collection storage will not be a waiver as long as it is shown on the revised plan. Discussion concerning the driveway curbing restated that the Applicant would provide Belgium Block sides on the driveway. A waiver would be requested to keep the asphalt curb around the parking lot.

A motion to open to the public was made by Mayor Laforet, seconded by Mr. Donigian and declared unanimously carried by Mr. Sherer.

Mr. John Fesen of 20 Falcon Court approached and asked if the proposed use was in line with the Master Plan and zoning for this area. This was confirmed.

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

Mr. Tuvel asked to clarify that other than agreeing to comply with those items listed the Township's professional letters, the Applicant agrees to the following conditions of supplementing landscaping along Franklin Turnpike; providing interior directional signage directing visitors, providing directional arrows for a one way flow, indicating where sconces are on the building, working to expand driveway width, providing 129 parking spaces, coming before the Board when a Tenant is identified, submitting a soil movement permit, providing additional landscaping around the bus stop, differentiating the driveway for pedestrian safety, and adding the compactor to the plan. Discussion regarding the timing of the demolition specified that the demolition cannot begin until a demolition permit is obtained.

Mr. Scandariato stated that there are other standard conditions that would be considered covered as part of the conditions for approval. Mr. Tuvel agreed to the standard conditions. Mr. Kelly said the Board wants copies of the deeds and easements. Mr. Tuvel mentioned the condition of providing the Belgium Block on the driveway. Mr. Kelly listed replacement of the curbing on Franklin Turnpike if needed. Mr. Scandariato listed the condition of parking only being permitted in designated spaces. Mr. Tuvel summarized the variance and waivers and the benefits of the proposed project, asking the Board for approval.

Motion to approve the application with conditions was made by Mayor Laforet and seconded by Ms. Steinberg.

Mr. Donigian clarified that there are 2 variances, 6 waivers and that the Township Engineer would request that Bergen County require that a left turn lane be implemented for Northbound Franklin Turnpike and also ask that no northbound turns for trucks exceeding a specified weight be allowed.

A roll call of members present revealed 10 aye votes by Mayor Laforet, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Grewal, Mr. Howard, Mr. Lo Iacono, Mr. Sherer, Mr. Steinberg, and Ms. Galow.

## **X. WORK SESSION:**

### **A) NEW BUSINESS**

#### **1. Dkt #544PMSD – Anthony Fasciano, et al.**

Monroe Drive, Blk 149, Lot 20

Request for Extension of Preliminary Approval Originally granted March 9, 2015.

*This request was heard prior to the Public Hearing portion of the meeting.*

### **B) OLD BUSINESS-None**

### **C) COMMITTEE REPORTS-None**

Note: Ms. Steinberg suggested that the Board explore ordinances that would promote the “green element” in new construction.

**XI. ADJOURNMENT**

Motion to adjourn the meeting at 10:50 p.m. was made by Mr. Howard, seconded by Mr. Donigian and declared 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 April 20, 2018 for approval at the Regular Meeting to be held April 23, 2018.