

**TOWNSHIP OF MAHWAH PLANNING BOARD  
REGULAR /WORK SESSION MEETING MINUTES  
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.  
MONDAY, FEBRUARY 26, 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 7:36 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:

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:

Mayor Laforet  
Mr. Donigian  
Mr. Grewal  
Mr. Van Duren

**III. APPROVAL OF BILLS:**

Phillips Nizer	02/07/18	General	\$759.00
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A motion to approve the bills was made by Mr. Crean and seconded by Mr. Ervin. A roll call of members present revealed 6 aye votes by Mr. Crean, Mr. Ervin, Mr. Howard, Mr. Lo Iacono, Mr. Sherer and Ms. Steinberg. Ms. Galow abstained.

**IV. APPROVAL OF MINUTES: None to Present**

**V. RESOLUTION FOR MEMORIALIZATION:**

**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. Resolution of Approval

Mr. Scandariato outlined minor changes that were made to the resolution. Mr. Kelly approved the changes.

A motion to approve the resolution was made by Ms. Galow and seconded by Mr. Lo Iacono. 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.

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

Monroe Drive, Blk 149, Lot 20

Request for Extension of Preliminary Approval, Resolution of Approval

A motion to approve the resolution was made by Ms. Steinberg and seconded by Mr. Lo Iacono. 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.

**VI. OPEN TO THE PUBLIC – 15 MINUTES:**

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

Steven Calijone of 18 Tam O'Shanter Drive, Mahwah, N.J. approached. Mr. Calijone attended the last Council meeting. It was suggested that he come to the Planning Board to ask about the formation of an ad hoc committee for the review of the land usage and zoning laws. Mr. Calijone asked for the status on this committee and offered to help. Mr. Sherer suggested that Mr. Calijone provide his contact information. Mr. Sherer explained that the Township Planner is recognized nationally and is using her contacts to identify what professional experts are available to work with the committee. Mr. Calijone discussed his past experience in land use. Mr. Sherer thanked him for his time.

Mr. John Fesen of 20 Falcon Court approached. He shared that the previous Friday he had reviewed the plans for the improvement of the Bergen County Police and Fire gun range. He explained that the plan stated under the general construction notes, that the contractor is herein advised that all work to be performed shall be governed by the local municipal ordinances. Mr. Fesen asked if that meant that the Township would have the right to

inspect the plans and work. Mr. Kelly explained that from a Planning Board standpoint, we don't have jurisdiction over them. From a building and construction standpoint, they would need to comply with building requirements and get the proper inspections. Mr. Fesen shared that he agreed with Mr. Calijone and the importance that the Township have the very best ordinances and municipal code in place. Mr. Fesen discussed the problems they've had in Rockland County. Mr. Sherer stated that the Board agreed with the importance of maintaining the code and ordinances.

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. Sherer rearranged the agenda to discuss the Work Session for Docket #574 first.

## **VII. WORK SESSION:**

### **A) NEW BUSINESS**

#### **1. Dkt #574PM – Anna Jahn Trust Resolution**

16 & 24 Jahn Court Block 152, Lots 68 and 69

Request for revision of Condition #9 of the previously approved May 23, 2016 Resolution.

Mr. Bruce Whitaker of McDonnell & Whitaker, L.L.C of Ramsey, New Jersey appeared on behalf of the Applicants, David and Renee Ramirez who are owners of Block 152, Lot 68.01. Mr. Whitaker explained that his clients took title to this property on June 10, 2016 from Edwin O. Jahn, Trustee of the Anna Jahn Trust dated May 21, 1992. His clients were represented at that time by Mr. Williams. Unbeknownst to his clients, Mr. Williams represented Edwin O. Jahn in connection with a Minor Subdivision Application for Lots 68 and 69 in Block 152, otherwise known as 16 Jahn Court. The Applicants were not aware of this subdivision or the resolution associated with it. The resolution was not recorded appropriately. Condition #9 of the resolution states in error, that Lot 68 is serviced by an existing septic system. There is no existing sanitary sewer line in Jahn Court. The Applicant requests that the Board revise the Resolution as follows: "Sanitary service to be provided by either a Code compliant septic system, or the extension of the sanitary sewer". Mr. Kelly stated that he had no objection to the changes proposed in the resolution.

A motion to approve the amendment of the resolution and the adoption of the amended resolution, memorializing it was made by Mr. Crean and seconded by Mr. Lo Iacono. 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.

**VIII. PUBLIC HEARING:**

**1. Dkt #586 – Greg Della Penna**

28 Turners Lake Drive, Block 156, Lot 8  
Minor Subdivision Application with variances  
Application rescheduled to March 12, 2018.

**2. Dkt #587 – Bolla Operating N.J. Corp**

62 Franklin Turnpike, Block 68, Lots 14 and 14.01  
Application for Preliminary and Final Site Plan Approval to upgrade the existing site  
for a service station and convenience store with associated improvements.

Mr. Bruce Whitaker of McDonnell & Whitaker, L.L.C of Ramsey, New Jersey appeared on behalf of the Applicant. Mr. Whitaker gave an overview of the proposed redevelopment of the site. The Applicant proposes to demolish the existing building and construct a new building removing the aspect of mechanical work or bays. The four fueling stations will also be replaced by four new stations under a new canopy. Mr. Whitaker stated that they have been working with the Board and Township Engineer through the conceptual design and have included many of the proposed changes in this plan. Mr. Whitaker discussed improvements to the appearance and traffic patterns. He explained the design approach they chose to move the canopy closer to the train tracks while providing more space and light at the front of the property. Mr. Whitaker suggested that as an example of Bolla going the extra mile to improve their sites, they are providing more improvements in drainage than is required. The Applicant is seeking a series of waivers and variances. Mr. Whitaker asked that relief be granted and stated that Bolla would be anxious to move ahead with the redevelopment.

Mr. Whitaker called Mr. Jeffrey Martell, P.E. of Stonefield Engineering and Design, LLC, 92 Park Avenue, Rutherford, NJ 07070 as his first witness. Mr. Martell was sworn in, gave his credentials and was accepted as an expert professional engineer. Mr. Martell presented and reviewed Exhibit A-11 which was an aerial view of the existing conditions. He explained the Applicant took control of the property about 3 years ago. The Applicant, Bolla has already replaced the two tanks along with the concrete pad over the tanks. The proposed plan will take away everything with the exception of the tanks and the street sign which was also recently replaced. A new convenience store building and four new pumps are proposed Exhibit A-12 was presented as a colorized site plan rendering (Sheet C4 in site plan package). Mr. Martell discussed the fusion of fuel sales with convenience store offerings. He described the size of the new building and canopy. Mr. Martell reviewed the setback criteria for the proposed new locations for both the building and the canopy. He described the parking, sidewalks, driveway design, trash enclosure and green area, stating that the Applicant will comply with the streetscape ordinances.

Mr. Martell described the various patterns of circulation of cars and tractor trailers. Mr. Martell presented Exhibit A-9 submitted as Truck Circulation. Mr. Martell reviewed how

the design accommodates the safe circulation of delivery and fuel trucks. Mr. Martell testified that the owner will be both owner and operator of the facility.

Mr. Martell discussed the LED down lit lighting and the landscaping details. Exhibit A-13 was identified as an existing building envelope. He described the building line and set back conditions. Exhibit A-14 was identified as the proposed building envelope. Mr. Martell pointed out that the canopy is generally the same. Exhibit A-15 of Impervious Coverage was reviewed and Mr. Martell explained that they were working on changes that would bring them into compliance for impervious coverage. Mr. Martell discussed the number of employees (four to six) and the expected volume of box truck and fuel deliveries (one to two a week). Mr. Martell stated that the Applicant will comply with the streetscape ordinances and that there is no seating in the store.

Exhibit A-7 was presented showing the building elevations. Mr. Martell pointed out the upscale feel and pleasant presentation of the building. He reviewed the HVAC equipment location with a shielded wall. Mr. Martell discussed that the soil movement would be modest since the tanks have already been replaced. A Bergen County Application was submitted and they were satisfied with preliminary application figures. Mr. Martell will work with the Township Engineer regarding the turn radii.

Mr. Martell reviewed the Items on Mr. Kelly's report dated February 22, 2018. Items #13-20 would be complied with. In response to Item #21, Mr. Martell stipulated that there would be no outdoor storage. In response to Item #22, the Applicant will ask the Board to consider the proposed trash enclosure position. The Applicant explained that the landscape screening would decrease the prioritized parking. There would be a masonry wall matching the building around the area. Mr. Martell said that the Applicant would submit a Soil Movement Permit Application as per Item #34. Mr. Martell stated that Items #35 and #36 will be resolved, stating that there was no active remediation. Mr. Martell testified that the Applicant would be willing to comply with Items #37-41 regarding Storm Water Management. Mr. Martell discussed the lighting stating that additional information would be provided regarding the foot-candle level for the site. Mr. Whitaker said that they would stipulate to a 6-month review if any modifications need to be made regarding the lighting. He also stated that the proposed hours of operation are 24/7. Landscaping was discussed further including Mr. Martell's statement that the Applicant will comply with the Township's landscaping and streetscape requirements. Mr. Martell stated that they would comply with the additional comments listed as Items #49-51 on Mr. Kelly's report.

Mr. Donigian arrived at 8:42 p.m.

Mr. Whitaker described Bolla's uniqueness as they control all aspects of the operations being both owner and operator. He cited examples such as controlling fuel deliveries and that they will carpool employees so they don't use the parking spaces. Mr. Whitaker stipulated that there would be no overnight parking or idling. Mr. Martell stated that the pumps would be standard velocity. Mr. Kelly stated that if Bergen County required road widening, the Applicant would have to come before the Board for approval. Mr. Martell

stated that the box trucks would use a traditional parking space for delivery. Mr. Kelly stated that the Board would require an as-built survey as well as improved lot coverage calculations.

Ms. Lawlor discussed the distance between the pump islands asking if there was enough room for patrons to pass around fueling cars. Mr. Martell testified that the 29-foot distance between pumps would allow cars to get around and safely pass between two fueling cars at each pump island. He also stated that this distance promoted a safer speed of traffic than a wider distance. Mr. Ervin asked about a path for the emergency exit and pointed out the narrow opening when using this exit. Mr. Martell said they would look into providing a path or relocating the exit door location. Ms. Steinberg asked about lighting in the landscaped area that might help promote the safe use of this green area. Mr. Martell stated that they will add the streetscaping, lighting and benches to the plan.

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

Mr. John Fesen of 20 Falcon Court approached. He asked for the proposed and current hours of operation. Mr. Whitaker stated that the proposed operation would be 24/7. He did not know the current operational hours. Mr. Fesen questioned if there were other operations with these hours in this area. Mr. Whitaker stated that he couldn't speak to that but did say that there were no ordinances to prevent it. Further discussion included identification of a few 24-hour operations. Mr. Fesen asked if the Mayor was absent because he was recusing himself. Mr. Sherer stated that the Mayor may have recused himself if present but he was unsure as to why the Mayor was absent.

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

Mr. Martell continued with a review of the various variances referring to Mr. Kelly's review letter. Mr. Martell stated that changes to the plan will alleviate the need for a variance regarding the maximum improved lot coverage. The Applicant is seeking a variance for the minimum front yard setback, minimum side yard setback, minimum rear yard setback, relief from parking space requirements of 19 spaces, and variances for signage. Mr. Martell discussed the sign variances referred to as Items G-J in Mr. Kelly's report. The Applicant will modify the variance request for the Pylon Sign for 93 square feet of the existing sign that they want to relocate to a better location. The Canopy Sign variance is also requested. Mr. Martell discussed the maximum light level testifying that there are no values that exceed 1.0 foot candle on any of the private property lines. Mr. Martell continued discussion of the requested waivers. He discussed the parking space setbacks and driveway separation on the north which requires a waiver in order to create the one way flow recommended by the County. It was stated that this an existing condition that will be improved. The non-conformities listed in Mr. Kelly's report were identified on the site plan. Mr. Martell testified that they would provide the sign details requested in Item 'c' so a waiver would not be required. Mr. Martell stated that they will

work with Mr. Kelly to provide whatever he deems appropriate regarding the drainage discussed in Item 'd'. The curb radii referred to in Item 'e' will require additional work with the County and they will work to increase the radii. Item 'f' refers to the foot-candle requirements. Mr. Martell explained that the higher level of lighting used under the canopy results in exceeding the 1.5 foot-candles. Mr. Martell stated that the buffer requirements discussed in Item 'g' require a waiver due to the property size. He also stated that for Item 'h' the Applicant would work with Mr. Kelly to provide the required information. Mr. Kelly clarified for the record that the proposed rear setback on the canopy is 22.9 feet where as 40 feet is required.

Mr. Whitaker called Mr. Frank Filiciotto of Stonefield Engineering and Design, LLC, 92 Park Avenue, Rutherford, NJ 07070.

Before Mr. Filiciotto began testifying, Mr. Martell testified that the Stormwater Management Statement was prepared by him and under his direction.

Mr. Filiciotto provided his credentials and was accepted as an expert civil and traffic engineer. Mr. Filiciotto stated that he had extensive experience working on Bolla projects, had been to the proposed site and was part of the design team. Mr. Filiciotto presented Exhibit A-11 (Aerial Overview) to describe existing traffic patterns and conditions. He described that the current ingress allows cars to enter from any direction where they could be nose to nose with headlights facing each other. Mr. Filiciotto used Exhibit A-12 to show the proposed one way traffic flow that will be safer. Mr. Filiciotto discussed that the reduction of turning movement (all one-way) in the driveways would support the request for the waiver regarding the distance between the driveways. The seven parking spaces include one ADA compliant space. Mr. Filiciotto discussed that there are eight positions at the pumps that are also used as parking spots when patrons go inside the store while the car is fueling. Mr. Filiciotto discussed the anticipated increase in traffic, testifying that from an ITE (industry standard) standpoint, this is considered a minimal impact to Franklin Turnpike. Mr. Filiciotto described parking/traffic studies to support the concept that customers will park at the pump while going to the convenience store. He estimated that given the speed of convenience store transactions and the parking studies, that a parking space only had to turn over twice in that hour.

Mr. Filiciotto reviewed the movement of traffic under the canopy. He discussed site distances stating that the creation of the driveways would improve traffic flow. He reviewed the movement of the refueling trucks using Exhibit A-9. The WB50 truck would be making a left turn into the site and a left turn exiting the site. Box trucks would follow this same pattern. Mr. Filiciotto stated that customer vehicles would have plenty of room to go around refueling trucks safely. Mr. Filiciotto stated that all compliant signage would be used. Mr. Filiciotto re-stated the improvements to the site.

There was testimony and discussion about the number of parking spaces required. Mr. Filiciotto described the ITE as the industry standard manual that distinguishes between types of retail usages. Mr. Whitaker asked if the traffic requirements for the typical retail

store and a convenience store would be different. Mr. Filiciotto stated that the calculations are specific to the detailed use. Ms. Lawlor questioned the circulation and parking situation if a customer couldn't find a spot. Mr. Filiciotto stated that a vehicle could circle the site but that the expected customer behavior would be to just go to the next gas station. Mr. Kelly stated that 23 parking space are required. The Applicant proposes 7 spaces of which one is ADA. Mr. Kelly asked if Mr. Filiciotto testified that this is adequate. Mr. Filiciotto agreed. In response to Mr. Kelly's question about alternatives if the parking is inadequate, Mr. Filiciotto testified that most customers will pass by the station if it is full. He did state that there may be some loyalty with the New York driver seeking lower gas prices. Mr. Filiciotto stated that the site would self-regulate. Mr. Filiciotto agreed to provide a turning plan with truck access from the north. The truck turning Exhibit A-9 was discussed further. Discussion questioned the exiting truck route and the need to go north on Franklin Turnpike forcing trucks through Suffern-202 to get to the Thruway. Mr. Filiciotto said he would confirm this route.

There was discussion about the need for and possible opportunities to provide additional parking spaces. Mr. Sherer stated that there are a lot of benefits to the application and he asked the Applicant to work on providing additional parking before they return to the Board. Mr. Crean discussed the daily difficulty with the other Bolla location and the trucks that park illegally and block the Stop Sign. He explained that it is an unsafe traffic situation. Mr. Whitaker stated that he was unaware of this and that although this had nothing to do with the current application, he would follow up on it with Bolla.

There was a lengthy discussion about food preparation and the effect it would have on parking.

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.

Mr. John Fesen of 20 Falcon Court, Mahwah, NJ approached. He stated that he appreciated the testimony that described the relationship between gas and convenience store usage.

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

Further discussion was had about the classification of fast food versus retail and the associated parking needs. Mr. Whitaker asked that the Board stay open to a new view of fast food and the parking requirements. Mr. Whitaker suggested that there are Bolla Stations in Ramsey on Route 17 South that the Board can visit.

Mr. Sherer announced that the hearing will be carried to March 26, 2018 with no further notice required.

**XI. WORK SESSION:**

**A) NEW BUSINESS**

**1. Dkt #574 – Anna Jahn Trust Resolution**

16 & 24 Jahn Court Block 152, Lots 68 and 69

Request for revision of Condition #9 of the previously approved May 23, 2016 Resolution.

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

B) OLD BUSINESS-None

C) COMMITTEE REPORTS-None

Note: Mr. Crean asked about the code allowing the subdivision of a lot within the Highlands Preservation area. Mr. Kelly clarified that small subdivisions could be permitted even in the Highlands Preservation area.

**X. ADJOURNMENT:**

A motion to adjourn the meeting at 10:18 p.m. was made by Mr. Crean, seconded by Ms. Galow 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.