

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR /WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, MARCH 26, 2018 AT 7:39 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 7:39 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, NJ. Copies may be purchased for a fee.

II. Roll Call:

The following individuals were present:

Mr. Donigian
Mr. Ervin
Mr. Howard
Mr. Lo Iacono
Mr. Sherer
Ms. Steinberg
Mr. Van Duren

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

Ms. Galow entered the meeting after roll call.

The following individuals were absent:

Mayor Laforet
Mr. Crean
Mr. Grewal

III. APPROVAL OF BILLS: None to Present

IV. APPROVAL OF MINUTES: None to Present

V. RESOLUTION FOR MEMORIALIZATION:

- 1. TA #18-0007– Coremark Mahwah 17, LLC – Freedom Bank**
380 NJ State Highway Route 17, Block 137, Lot 4
Tenant Application, Resolution of Approval

A motion to approve the resolution was made by Mr. Donigian and seconded by Mr. Van Duren. A roll call of members present revealed 5 aye votes by Mr. Donigian, Mr. Lo Iacono, Mr. Sherer, Mr. Van Duren and Ms. Steinberg.

- 2. Docket #580 – Gerdaneu, Inc. (Owner); Resource Control Consultants, LLC (Applicant), 4 Leisure Lane, Block 26, Lot 4**
Trailer Application, Request for Extension of Preliminary Approval originally granted March 13, 2017. Resolution of Approval

A motion to approve the resolution was made by Ms. Steinberg and seconded by Mr. Donigian. A roll call of members present revealed 5 aye votes by Mr. Donigian, Mr. Lo Iacono, Mr. Sherer, Mr. Van Duren and Ms. Steinberg.

- 3. Bergen County Police and Fire Academy**
281 Campgaw Road, Block 141, Lot 13
Improvement to the Firing Range at Bergen County Law & Public Safety Facility
Resolution of Approval

A motion to approve the resolution was made by Mr. Van Duren and seconded by Mr. Lo Iacono. A roll call of members present revealed 5 aye votes by Mr. Donigian, Mr. Lo Iacono, Mr. Sherer, Mr. Van Duren and Ms. Steinberg.

VI. OPEN TO THE PUBLIC – 15 MINUTES:

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

Mr. John Fesen of 20 Falcon Court approached. He discussed his research on the gun range. Mr. Fesen contacted Target Action Company. He said he spoke with a specialist on the noise who told him the increase in noise would be in the 5-8 decibel level. Mr. Fesen thought the Bergen County representatives said the increase in noise would be around 3-4 decibels. Mr. Fesen voiced that he was having difficulty finding a local target range that he would be able visit. He shared that he discussed his concerns about increased noise with the Mayor of Ramsey. Mr. Fesen stated that the Mayor of Ramsey contacted the Bergen County Sheriff who assured her that the noise would not be higher for Mahwah and Ramsey. Mr. Fesen said they should start shooting in about a month. He hoped to hear

from the County as to when they would start shooting again. Mr. Fesen expressed the wish that they had moved the entire facility out of the residential area.

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

VII. PUBLIC HEARING(S):

1. Docket #591 – Rochris Real Estate Corp (Adjourned to March 26, 2018)

12 and 14 Mountainside Ave, Block 130, Lots 6 and 7

Application for Preliminary and Final Site Plan Approval with ‘c’ variances, for modifications to two existing parcels, including the demolition of an existing structure and the construction of a garage with associated improvements.

Mr. Sherer announced that Docket #591 was withdrawn without prejudice.

2. Docket #587 – Bolla Operations N.J. Corp (Continued from February 26, 2018)

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. Whitaker of McDonnell & Whitaker approached and stated that he was representing the Applicant. Mr. Whitaker explained that revisions to the site plans were made based on the Board’s comments and concerns as well as feedback from the Professional Engineering and Planning Reports. Mr. Whitaker presented a supplement which listed the variances that are being requested. In response to Mr. Whitaker’s request, this supplement has been added to the Applicant’s Application on file.

Mr. Whitaker called Mr. Jeffrey Martell of Stonefield Engineering and Design, LLC, stating that Mr. Martell was sworn in and under Oath from a previous hearing. Mr. Whitaker asked Mr. Martell to review the revisions. Mr. Martell presented these new and/or updated Exhibits:

<u>Exhibit A-15</u>	New Site Plan Colorized Rendering	March 16, 2018
<u>Exhibit A-3</u>	Updated Site Plans	March 16, 2018
<u>Exhibit A-6</u>	Updated Stormwater Report	March 16, 2018
<u>Exhibit A-7</u>	Updated Architectural Plans	March 16, 2018
<u>Exhibit A-9</u>	Updated Truck Turning Plan	March 16, 2018
<u>Exhibit A-11</u>	New Canopy Elevation Report	March 16, 2018

Mr. Martell referenced the letter from Stonefield Engineering of March 16, 2018 that summarized the changes that have been made responding to the Board’s comments and the reports from the Township’s Professionals. Mr. Martell reviewed the changes on the colorized site plan. The building size was reduced so the front yard setback variance is no longer needed. The door on the rear side of the building has been relocated to the street

side where a sidewalk will be available for this emergency exit. The number of parking spaces was increased to ten by relocating the trash area to the remote corner. Mr. Martell discussed the parking spaces in detail.

The streetscape elements were reviewed. The impervious coverage was reduced. A flag pole was added in the planting area. Site triangles, signage, lighting plan information and canopy elevation were added to the plan. Mr. Martell said they are still working with the County on the width and radii combination so the plans don't reflect changes there yet. Mr. Martell reviewed the lighting changes and other revisions itemized in the Stonefield letter of March 16, 2018.

Mr. Martell discussed that an emergency vehicle exiting and making a right-hand turn would cross the yellow line by two feet. He stated that the fuel trucks would not encounter this as they would be exiting left. Mr. Martell discussed more detail about the parking spaces and those used by employees. There was more discussion about Bolla procedures and Mr. Sherer clarified that the Board needs to make sure the site is also workable for operators other than Bolla.

Mr. Kelly asked if the Applicant would be able to comply with the site plan comments that were made in his report of March 21, 2018. Mr. Martell stated that the Applicant would comply with the possible exception of the curb radii which they are still working with the County on. Mr. Kelly asked about Item #15, asking specifically if a tractor trailer truck can exit the facility to the right, without crossing over into the other lane. Mr. Martell stated that a tractor trailer truck would cross over the line.

Mr. Kelly stated that drainage items had been addressed and were in conformance from a drainage standpoint.

Mr. Ervin inquired about the location of mechanical equipment. There was discussion of the roof top location and what access would be provided. Mr. Martell stated that the architect would incorporate it into the drawings.

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.

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

Mr. Whitaker called Mr. Frank Filiciotto of Stonefield Engineering and Design, LLC, 92 Park Avenue, Rutherford, NJ 07070. Mr. Filiciotto was previously sworn in and still under Oath. Mr. Filiciotto discussed the decreased building size and associated increase in parking spaces.

Exhibit A-16 Truck Circulation dated March 13, 2018 was presented. The truck movement and turning was discussed. Mr. Filiciotto stated that a fire truck would cross the street line

by two feet if making a right turn. He discussed that with the good site distance, this was not a safety concern. He stated that the store delivery truck would be able to turn right without crossing the yellow line. Mr. Filiciotto stated that Bolla procedures would have tractor trailers making left turns for both ingress and egress. There was detailed discussion about logistics of deliveries and employee parking. Mr. Sherer explained that approval would need to account for all operators in case the site operator changed. Mr. Kelly stated that even with the proposed changes, the Applicant does not meet the parking requirements. Eighteen are required and ten are proposed. Various parking strategies were discussed.

Mr. Filiciotto reviewed his previous testimony presenting data obtained while studying customer usage at other Bolla locations. Mr. Filiciotto reviewed the customer use projections and how they changed with the reduced building size. He stated that the full-service gas customer who purchases gas and runs into the store while fueling does not use a parking space. Questions were posed about whether the study done in a self-service station would apply in a full-service station, as this site would be. Board Members voiced concerns that the parking may not support the number of customers.

Discussion returned to concerns about parking and fuel deliveries. It was suggested that deliveries be limited to off-peak times resolving the possible logistical problems with the employee parking.

Ms. Lawlor asked for testimony about the offering of franchise food products such as Burger King or Dunkin Donuts. Mr. Whitaker stated that selling the Burger King products at other Bolla locations did not increase the amount of sales over the premade generic Bolla products. He stated that the Burger King is not a draw for customers but a convenience for the fueling customer. Mr. Filiciotto supported this statement explaining the results of the March 2, 2018 study mentioned previously. Mr. Filiciotto explained that 37% of customers used the convenience store. Only 18% of these convenience store customers purchased a Burger King product. He stated this is not a large percentage of the sales that occurs at the store. He explained that study data showed that a business with this similar store is first and foremost a gas station, second a convenience store and third an opportunity to get a burger. Mr. Filiciotto said that based on the data and operations at similar sites, they are comfortable with the number of parking spaces especially given the usage of the fueling station as parking when full-service customers both fuel and use the store. There was discussion about what products would be offered at the site. The food would be premade, staying warm under a heat lamp. Discussion continued on the food offerings. Mr. Kelly stated that the franchise food offerings could add potential parking issues. There was lengthy discussion about the franchise offering and how it would affect parking.

Mr. Kelly asked again about the fuel delivery tractor trailer making a right turn. Mr. Filiciotto agreed to supply the calculations showing how far the WB50 truck would cross over the yellow line. While Bolla procedures would indicate to make a left turn on egress, Mr. Kelly was concerned with the situation if another tenant uses this property.

There was discussion about the definitions of fast food and/or restaurants according to Township Code. Mr. Whitaker reviewed the existing code and suggested that it is outdated. He also discussed how the code was applied and enforced for other food service establishments on Franklin Turnpike. Mr. Whitaker questioned how fast-food and the required parking is defined within the code. Mr. Kelly agreed that parts of the code do need to be updated. It was stated that for either restaurant or fast food, the proposed parking did not meet the requirement. There was additional detailed discussion about the sale of franchised products and a possible restriction of that sale. Mr. Donigian voiced his opinion that if there was not enough parking, he would just pass by the station. Mr. Whitaker stated that he would need to review the exclusion of franchised products at this site with the Applicant. Board Members continued to express their concerns about limited parking. Mr. Filiciotto reiterated that the empirical data they presented demonstrated that the parking is sufficient. Mr. Filiciotto stated that if there is not parking available, they may have an inconvenienced customer but it doesn't create a dangerous condition. He reiterated that the proposed site improvements introduce a safer traffic flow.

Mr. Filiciotto suggested that the right turn truck radii that would cross the yellow line is also a current condition and that Bolla procedures would alleviate that. There was further discussion about current conditions and safety related to the fuel truck turn radii. Mr. Kelly stated that he would like a turn radius that would allow the fuel delivery truck to exit to the right within its lane.

In response to Ms. Galow's concern, Mr. Filiciotto demonstrated how a vehicle would safely navigate the site if the parking and fueling was full.

Mr. Sherer asked the Board how they would feel if the Applicant proposed more parking with less green space. There was discussion of possible parking space locations. Mr. Whitaker discussed a possible stipulation of "banking" future tandem spots that could be added, if needed. Mr. Donigian suggested a waiting period when any parking issues can be identified before the Applicant introduces franchised products. Mr. Scandariato explained that zoning needs to be managed based on the activity not on the product and that you would get more activity with a Burger King than you would with a generic burger.

Mr. Whitaker said he would discuss the Board's concerns with the Applicant. He said he would return with more information about the current sites with Burger King products. There is a site on Route 17 North in Ramsey where limited Burger King products are offered as grab n' go.

Mr. Sherer summarized the options discussed, that subsequent testimony would provide more information on the operations of the site and possible "banking" of future parking. Mr. Donigian mentioned other outstanding items related to the truck turn radius and the parking. Mr. Donigian asked if the Applicant had considered upgrading/beautifying the canopy.

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

Mr. Whitaker stated that he would be prepared to submit additional testimony at the Planning Board Public Hearing on April 9, 2018 as he did not intend to submit plan revisions before the next meeting.

Mr. Sherer announced that the hearing was carried to April 9, 2018 with no further notice required.

VIII. WORK SESSION:

- A) NEW BUSINESS
- B) OLD BUSINESS-None
- C) COMMITTEE REPORTS-None

IX. ADJOURNMENT:

A motion to adjourn the meeting at 9:15 p.m. was made by Mr. Howard, seconded by Mr. Van Duren and declared unanimously carried by Mr. Sherer.

Township of Mahwah
Planning Board Meeting Minutes
March 26, 2018

These minutes were prepared by Mary Jo Wood, Planning Board Secretary. The minutes were provided to the Planning Board on May 4, 2018 for approval at the Regular Meeting to be held May 7, 2018.