

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR /WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, APRIL 23, 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 7:31 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 Dr., Mahwah, NJ. Copies may be purchased for a fee.

II. Roll Call:

The following individuals were present:

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

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

Mr. Donigian entered the meeting at 7:33 pm.

The following individuals were absent:
Mr. Van Duren

III. APPROVAL OF BILLS:

Maser Consulting P.A.	03/01/18	Miscellaneous Planning	\$348.75
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A motion to approve the above bills was made by Mr. Crean and seconded by Mr. Howard. A roll call of members present revealed 9 aye votes by Mayor Laforet,

Mr. Crean, Mr. Ervin, Mr. Grewal, Mr. Howard, Mr. Lo Iacono, Mr. Sherer, Ms. Steinberg and Ms. Galow.

Phillips Nizer . 04/0818 General Services \$841.50

A motion to approve the above bills was made by Mr. Lo Iacono and seconded by Mr. Crean. A roll call of members present revealed 9 aye votes by Mayor Laforet, Mr. Crean, Mr. Ervin, Mr. Grewal, Mr. Howard, Mr. Lo Iacono, Mr. Sherer, Ms. Steinberg and Ms. Galow.

IV. APPROVAL OF MINUTES:

1. February 12, 2018

A motion to approve the Minutes was made by Mr. Lo Iacono and seconded by Ms. Steinberg. A roll call of members present revealed 9 aye votes by Mayor Laforet, Mr. Crean, Mr. Ervin, Mr. Grewal, Mr. Howard, Mr. Lo Iacono, Mr. Sherer, Ms. Steinberg and Ms. Galow.

2. February 26, 2018

A motion to approve the Minutes was made by Mr. Crean and seconded by Mr. Howard. 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.

V. RESOLUTION FOR MEMORIALIZATION: None to Present

VI. OPEN TO THE PUBLIC – 15 MINUTES:

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

Mr. John Fesen of 20 Falcon Court approached. Mr. Fesen asked that when Crossroad Developers come before the Planning Board, that the Board propose a walkway/bike path along the Ramapo River behind the Crossroads. Mr. Sherer expressed his agreement. Mr. Fesen suggested that it could extend to the Ramapo Reservation or Lake Henry.

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

VII. PUBLIC HEARING(S):

1. Docket #586 – Greg Della Penna (Continued from March 12, 2018)

28 Turners Lake Drive, Block 156, Lot 8
Minor Subdivision Application with variances

Mr. Stuart Strow of Brooker Engineering at 74 Lafayette Avenue in Suffern, NY and Ms. Brigitte Bogart of BB Planning & Design Professionals at 47 S. Franklin Turnpike, Ramsey, NJ approached.

After Mr. Strow introduced Ms. Bogart, she presented her credentials and was accepted as an expert planner. Ms. Bogart reviewed the Application and the variances that have been requested. Ms. Bogart pointed out that the property was oversized with significant wetlands. She presented Exhibit A-3. The first page presented photos of the subject site from Google Earth, the Maser Planning Report and Ms. Bogart's personal site inspection. The second page showed additional site inspection photos of the existing driveway that leads to the existing home.

Ms. Bogart continued to point out the uniqueness of the property. She testified that the variances could be granted under the C1 criteria. She explained in more detail how the C1 variance would be met based on the unique shape and topography of the property. Ms. Bogart stated that adding a cul-de-sac would not be a good zoning alternative because it would add pavement and it would change the character of the area by removing trees and changing slopes in the area. Ms. Bogart explained that the variances could also be granted under the C2 variances where the benefits outweigh any of the detriments. Ms. Bogart's opinion is that the subdivision is in conformance with the Master Plan and maintains the rural setting. She explained that a possible detriment typically associated with this variance is that it is difficult to see the home from the road. She explained that this is not applicable since the proposed dwelling will be at the front of the lot and very visible. She continued to discuss how this proposed subdivision is in alignment with the Master Plan.

Mr. Joseph Layton, of Maser Consulting, asked about emergency vehicle access. Ms. Bogart referred to Exhibit A-1, which was previously presented, to show the proposed driveway and review vehicle access. Mr. Donigian suggested that a placard could be used to identify the home. The Applicant agreed to put a placard for emergency response identification. They will work with the Township Engineer on the specifications for this.

There was discussion about the size of the total usable land. Mr. Strow stated that the usable land area is almost 40,000 square feet. Ms. Bogart clarified that the wetlands area is part of the square footage calculation so the proposed lot would greatly exceed the Township requirement of 40,000 square feet.

Mr. Ervin discussed that emergency vehicles would have difficulty navigating the driveway. Ms. Bogart stated that this was an existing condition. There was additional conversation about an emergency vehicle needing to backup if it couldn't turn around on the driveway. This is a common existing condition in the area.

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

There was discussion about the maintenance of the lake. Mr. Strow discussed an informal agreement that the neighbors had regarding the maintenance of the lake. There was discussion about what the Township's responsibility is. It was decided that this is a civil matter and not part of planning decisions.

It was clarified that the Board would be voting on the subdivision and not on whether the lot is developable. Mr. Strow explained that the DEP is scheduled to be onsite within the next couple of weeks as part of their review.

There was additional discussion about emergency vehicle turn around and whether the cul-de-sac should be required.

Mr. Kelly discussed a condition being added to the deed that specifies that the Township is not responsible for the maintenance of Turners Lake Drive from the existing end of the roadway to where it turns into driveways. Discussion of possibly vacating this portion of land was discussed and put aside as it had other negative consequences.

A motion to approve the application with conditions was made by Mayor Laforet and seconded by Ms. Steinberg. A roll call of members present revealed 9 aye votes by Mayor Laforet, Mr. Crean, Mr. Donigian, Mr. Grewal, Mr. Howard, Mr. Lo Iacono, Mr. Sherer, Ms. Steinberg and Ms. Galow; with 1 nay vote by Mr. Ervin.

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. Sherer announced that the hearing for Docket #587 was rescheduled for May 7, 2018, with no further notice required.

VIII. WORK SESSION:

A) NEW BUSINESS

1. **Docket #535P – Crossroads Developers Associates, LLC and Garden Crossroads, LLC**

1 International Boulevard, Block 183, Lot 1; Block 26, Lots 2, 10 and 11

Applicant is requesting a one-year extension of the Preliminary Site Plan Approval originally granted February 24, 2014 and previously extended until June 30, 2018.

Mr. Jaworski approached on behalf of International Crossroads Developers Associates, LLC. He explained that the Applicant received Preliminary Site Plan Approval in 2014 for

a Preliminary Site Plan for 600,000 square feet of retail use. The Applicant also received an extension on this approval which will expire June 30, 2018. The Applicant is requesting a one-year extension. Mr. Jaworski discussed that although there have been changes to the proposed plans for this site, they would like to extend this approval in case they needed to come back to this existing plan.

Mr. Scandariato explained that a Preliminary Approval grants protection from zoning changes. There was discussion about how this Approval could impact other agreements currently being discussed with the Applicant. It was suggested that this Approval be postponed until the Township Attorney could be consulted. It was agreed that consideration of the extension would be moved to the May 21, 2018 meeting.

2. Review of Proposed Ordinance #1830 – The Township of Mahwah proposed an Ordinance amending and supplementing the Revised General Ordinance of the Township of Mahwah, Chapter XXIV “Zoning”, §24-4 “District Regulations” by adding §24-4.3(c) to prohibit Retail/Wholesale sale of marijuana products. The Ordinance was introduced by the Township’s Council at the Township’s Council meeting on April 5, 2018.

Ms. Steinberg asked what Ordinances were currently in place for alcohol or tobacco. There was lengthy discussion on the wording used in the Ordinance and the activities that would be allowed for medical and ancillary purposes. There was discussion about medical use versus adult use.

The Board agreed that the Ordinance is not inconsistent with the Master Plan. The Board authorized the Planning Board Recording Secretary to send a letter to the Township Council indicating that the Board determined that the Ordinance was not inconsistent with the Master Plan and that a resolution would follow.

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

IX. ADJOURNMENT:

A motion to adjourn the meeting at 8:46 p.m. was made by Mr. Ervin, seconded by Mr. Crean 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 May 18, 2018 for approval at the Regular Meeting to be held May 21, 2018.