

**TOWNSHIP OF MAHWAH PLANNING BOARD  
REGULAR /WORK SESSION MEETING MINUTES  
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.  
MONDAY, JANUARY 13, 2020, 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 7:51 p.m. by Planning Board Chairman, Mr. Crean. The Opening Statement was read according to the Sunshine Law, followed by the flag salute and a reminder that Planning Board meetings are being videotaped and broadcast live.

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. Donigian  
Mr. Ervin  
Ms. Galow  
Mr. Grewal  
Ms. Jankowski  
Mr. Olear  
Mr. Pallotta

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

The following individuals were absent:

Mr. LoIacono  
Mr. Van Duren

**III. APPROVAL OF BILLS:**

Peter Scandariato	December 16, 2019	Meeting Attendance	\$ 250.00
Maser Consulting	November 4, 2019	Meeting Attendance	\$ 200.00

A motion to approve both of the above bills together was made by Mr. Donigian and seconded by Mr. Olear. A roll call of members revealed 9 aye votes by Mayor Roth, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Grewal, Mr. Olear, Mr. Pallotta, Ms. Jankowski and Ms. Galow.

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

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

1. Resolution Authorizing the Award of an Alternate Non-Fair and Open Contract for Professional Legal Services for the Year Jan. 1, 2020 – Dec. 31, 2020
2. Resolution Authorizing the Award of an Alternate Non-Fair and Open Contract for Professional Engineering Services for the Year Jan. 1, 2020 – Dec. 31, 2020
3. Resolution Authorizing the Award of an Alternate Non-Fair and Open Contract for Professional Planning Services for the Year Jan. 1, 2020 – Dec. 31, 2020

A motion to adopt all of the above Resolutions was made by Mr. Donigian and seconded by Ms. Galow. A roll call of members present revealed 9 aye votes by Mayor Roth, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Grewal, Mr. Olear, Mr. Pallotta, Ms. Jankowski and Ms. Galow.

**VI. RESOLUTION FOR MEMORIALIZATION:**

1. **Docket #605 – RJ Brands d/b/a Chefman**, 200 Performance Drive, Block 26, Lot 1.02, Signage, Resolution of Approval

A motion to adopt the above resolution was made by Mr. Donigian and seconded by Mr. Pallotta. A roll call of members present revealed 6 aye votes by Mayor Roth, Mr. Crean, Mr. Donigian, Mr. Olear, Mr. Pallotta and Ms. Galow.

2. **Docket #607 – Stateline SG Holding LLC**, 200 Performance Drive, Block 26, Lot 1.02, Amended Site Plan, Removal of track & addition of truck parking. Resolution of Approval

A motion to adopt the above resolution was made by Mr. Olear and seconded by Mr. Donigian. A roll call of members present revealed 6 aye votes by Mayor Roth, Mr. Crean, Mr. Donigian, Mr. Olear, Mr. Pallotta and Ms. Galow.

3. **Docket #521PF-A1 – Kayal Realty, LLC, George & Deborah Kayal, Bayval Corp**, 10 Kayal Court & 46 Skytop Drive, Block 153, Lots 1.05, 1.06, 22, Minor Subdivision Application, Moving lot lines, Resolution of Approval

A motion to adopt the above resolution was made by Mr. Donigian and seconded by Mr. Olear. A roll call of members present revealed 6 aye votes by Mayor Roth, Mr. Crean, Mr. Donigian, Mr. Olear, Mr. Pallotta and Ms. Galow.

4. **Review of Proposed Ordinance #1893** – “An Ordinance of the Township of Mahwah, Amending and Supplementing Chapter XXIV “Zoning” of the Land Development Code to establish a new MUD-2 Mixed-Use Development Zone and to set forth the standards and criteria applicable thereto.”

A motion to adopt the above resolution was made by Mr. Donigian and seconded by Ms. Galow. A roll call of members present revealed 6 aye votes by Mayor Roth, Mr. Crean, Mr. Donigian, Mr. Olear, Mr. Pallotta and Ms. Galow.

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

A motion to open the meeting to the public was made by Mr. Ervin and seconded by Mr. Pallotta. All voted in favor.

No one wishing to be heard, a motion to close the meeting to the public was made by Mr. Ervin and seconded by Mr. Pallotta. All voted in favor.

**VIII. PUBLIC HEARINGS:**

**1. Docket #571PF-A – Mahwah Properties I, LLC**  
1400 Macarthur Boulevard, Block 139, Lot 3  
Amended Site Plan, Signage

Mr. Donigian recused himself.

Mr. Michael Sullivan, Esq., of Stickel, Koenig, Sullivan & Drill, LLC at 571 Pompton Ave, Cedar Grove, NJ, approached on behalf of the Applicant. Mr. Sullivan gave an overview of the three signs that the Applicant was proposing as an amendment to the Health and Wellness Center Site Plan that was originally approved in 2016. He provided the following information on the three signs:

1. A sixty-eight square foot, free standing LED sign was proposed to be located at the driveway entrance. A smaller, non-LED sign was approved at the same location as part of the 2016 Site Plan.
2. A one-hundred and forty-five square foot sign on the front facade, was proposed to replace the existing sign.
3. A new, fifty square foot sign was proposed above the main entrance.

Mr. Sullivan noted that the plans submitted with the Application were prepared by North Star Signs and Murdoch Engineering, dated February 8, 2019 with a revision date of March 13, 2019.

Mr. David Landin of the Boldt Company, at 1110 North Old World Third Street, Milwaukee, Wisconsin was sworn in and accepted as a witness. Mr. Landin explained that he was the original project manager at the site and that Boldt Company is the representative of the site owner who is Mahwah Properties I, LLC. Mr. Landin described the existing signs and the reason why they were requesting the changes and/or additional signage.

Mr. Landin testified regarding items on Mr. Kelly's report of December 27, 2019. Mr. Landin described examples of the wording content that would be on the LED sign. He explained that the content would change, describing their seasonal workshops or offerings.

He also specified that the Applicant would agree to the Township's right to require modifications and changes in the sign lighting and intensity for a period of up to six months after installation.

Mr. Landin had been notified, prior to the meeting, that an unapproved sign had been temporarily installed. Mr. Landin testified that this unapproved sign had been removed and would not be reinstalled.

Mr. Landin suggested that the proposed increase in size of the freestanding and façade signs would provide visibility improvements benefiting drivers on Macarthur Boulevard. He remarked that there is not a clear building entranceway. Mr. Landin stated that sign #3 would address this confusion by clearly marking the main entrance location. Mr. Landin also discussed that the LED sign was a way to improve communication with the community.

Mr. Kelly read into record the variances that were requested. Mr. Kelly requested that the Applicant provide dimensions of all lettering. Mr. Kelly testified that he spoke with Mr. Landin about a complaint from a resident to the South of the building because the interior lighting is always on. Mr. Landin specified that he will follow up with the tenant to see what can be done to limit interior lighting during off hours and parking lot lighting. Mr. Kelly specified that complaints were also made regarding landscaping on the south side of the building and that Mr. Landin would follow up on this also.

Mr. Crean asked for clarification on the sign size and what had been previously approved. Many Board Members voiced concerns regarding the size of the signs and the driving distraction that the LED sign might create. There was additional discussion about the sizing of the signs and variances that were needed.

Upon the Mayor's suggestion, the Applicant withdrew the proposed freestanding LED monument sign from the application. The Applicant specified that they would revert back to the freestanding sign that was approved in 2016 Site Plan.

A motion to open the meeting to the public was made by Mr. Olear and seconded by Ms. Galow. All voted in favor.

Mrs. Deborah Cinnella and Mr. Doug Cinnella of 20 Swan Road approached. Mr. Cinnella stated that items that were specified in the original approval were not completed by the Applicant. Mr. Cinnella noted that these items include:

- Parking lot lighting that is on longer than agreed to.
- Interior lights that are on 24 hours a day, 7 days a week, while the hours of operation are 5:30 a.m. to 10:00 p.m. Mr. Cinnella discussed how invasive the lighting is in his home.
- Over 100 plantings that were promised in the original agreement have not been planted.

Mrs. Cinnella reiterated her husband's concerns and suggested that blinds might be used to block the lighting from dusk to dawn.

Mr. Kelly specified that the landscaping plantings associated with the 2016 Site Plan were installed. The Applicant agreed to follow up on the interior lighting and review what additional landscaping would be helpful. The possible use of window tinting was also discussed. There was further discussion about whether the plants that were approved on the plans were completed on the South side of the building. The Applicant agreed to review the plan to see what was done and what could be added now to address the residents' concerns.

A motion to close the meeting to the public was made by Mr. Ervin and seconded by Ms. Galow. All voted in favor.

A motion to conditionally approve the application was made by Mr. Olear and seconded by Mayor Roth. A roll call of members revealed 8 aye votes by Mayor Roth, Mr. Crean, Mr. Ervin, Mr. LoIacono, Mr. Olear, Mr. Pallotta, Ms. Jankowski and Ms. Galow.

## **IX. WORK SESSION:**

### **A) NEW BUSINESS:**

#### **1. Docket #600 RTR Holding Corp**

1 Sherer Place & 190 Franklin Turnpike, Blk 71 Lots 11,12,13,18, 19, 20, 21, 22  
Amended Site Plan, Proposed Additional Parking

Mr. Bruce Whitaker of McDonnell and Whitaker, at 245 E Main St, Ramsey, NJ approached, representing the Applicant. Mr. Whitaker provided an overview of the proposed addition of seven parking spaces. Mr. Whitaker stated that the property is currently deficient by one parking space based on the Township requirements. The proposed additional spaces would provide spaces in excess of the required number. Mr. Whitaker explained that the additional parking spaces cross over two lots with the same owner. Mr. Whitaker stated that the Applicant was willing to establish whatever easements the Board felt were needed. Mr. Whitaker explained that it was important to maintain the two lots because merging the lots would create other nonconformities.

Mr. Whitaker called Mr. Peter Kirch of Surveying Technologies, Inc., at 43 Spring Street, Ramsey, NJ as his witness. Mr. Kirch testified that he created the plan with Mr. Thomas Ashbahian, P.E. He explained that the submitted Amended Site Plan dated February 26, 2019, last revised November 14, 2019, depicts the addition of 7 parking spaces and updates to bring the site into ADA compliance.

Mr. Kirch stated that the requests made in Mr. Kelly's report of December 27, 2019 could be met. Mr. Kelly recommended that a cross easement be put in place in case one of the lots is sold in the future. Mr. Kelly explained the need for a waiver regarding the parking space set-back because the parking spaces will cross the property line. Mr. Kelly specified that a Soil Movement Permit Application would also be required.

There was discussion about the removal of a tree that is located where the parking spaces are proposed. The Applicant agreed to review where a replacement tree might be placed or if a possible donation to the Township's tree fund would be made.

There was discussion about a broken fence on the property. The Applicant agreed to remove the fence and to screen all the dumpsters.

The Applicant specified that the parking spaces would meet the requirements in terms of the aisle spacing and that the spaces would not be "time limited".

Mr. Donigian discussed the concerns listed by the Environmental Commission. The Applicant testified that the tree could not be saved.

A motion to conditionally approve the application was made by Mr. Donigian and seconded by Mr. Olear. A roll call of members revealed 8 aye votes by Mayor Roth, Mr. Crean, Mr. Ervin, Mr. LoIacono, Mr. Olear, Mr. Pallotta, Ms. Jankowski and Ms. Galow.

C) COMMITTEE REPORTS: None

**X. ADJOURNMENT:**

A motion to adjourn the meeting at 9:00 p.m. was made by Mr. Donigian and seconded by Mr. Pallotta. All voted in favor.

These minutes were prepared by Mary Jo Wood, Planning Board Secretary. The minutes were provided to the Planning Board on March 3, 2020 for approval at the Regular Meeting to be held March 9, 2020.