

**TOWNSHIP OF MAHWAH PLANNING BOARD  
REGULAR /WORK SESSION MEETING MINUTES  
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.  
MONDAY, FEBRUARY 10, 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 7:33 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  
Ms. Jankowski  
Mr. LoIacono  
Mr. Olear  
Mr. Pallotta  
Mr. Van Duren

Professionals: Peter J. Scandariato, Esq., Michael Kelly, P.E., Debbie Alaimo Lawlor, P.P.,  
Geraldine Entrup, A.O.

The following individual was absent:

Mr. Grewal

**III. APPROVAL OF BILLS:**

|                |               |                      |            |
|----------------|---------------|----------------------|------------|
| Phillips Nizer | December 2019 | General & Litigation | \$3,339.53 |
|----------------|---------------|----------------------|------------|

A motion to approve the above bill was made by Mr. Donigian and seconded by Mr. Olear. A roll call of members revealed 10 aye votes by Mayor Roth, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. LoIacono, Mr. Olear, Mr. Pallotta, Mr. Van Duren, Ms. Jankowski and Ms. Galow.

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

**V. RESOLUTION FOR MEMORIALIZATION:**

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

A motion to adopt the above resolution was made by Ms. Galow and seconded by Mayor Roth. A roll call of members revealed 7 aye votes by Mayor Roth, Mr. Crean, Mr. Ervin, Mr. Olear, Mr. Pallotta, Ms. Jankowski and Ms. Galow.

2. **Docket #600 – RTR Holding Corp**, 1 Sherer Place & 190 Franklin Turnpike, Block 71 Lots 11, 12, 13, 18, 19, 20, 21, 22, Amended Site Plan, 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 revealed 8 aye votes by Mayor Roth, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Olear, Mr. Pallotta, Ms. Jankowski and Ms. Galow.

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

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

Ms. Josephine Bourgholtzer of 29 Hillside Avenue approached. Ms. Bourgholtzer wanted to clarify what the acreage of Block 82 was, especially in relation to the density requirements in that zone. Mr. Scandariato explained that this would be a part of the investigation that was going to be reviewed within the Work Session portion of the meeting. Ms. Bourgholtzer was also concerned with the height of the proposed building and whether the parapets on the top of a proposed building would be included in the maximum building height of 38 feet.

Ms. Lawlor clarified that Ms. Bourgholtzer was reading from the Affordable Housing Ordinance and not Ordinance #079-20 which was on the Work Session portion of the agenda. Ms. Bourgholtzer asked if Eminent Domain would be declared and if so would the bank or electric company be affected. Ms. Lawlor explained that those lots were excluded from the investigation. There was further discussion about the acreage of the lots. Mr. Kelly stated that the 3.5 acreage was excluding those lots.

A motion to close the meeting to the public was made by Mr. Van Duren and seconded by Mr. Pallotta. All voted in favor.

**VII. PUBLIC HEARINGS:**

1. **Docket #602 – OSAN USA INC.**  
Chestnut Street, Block 167, Lot 45  
Preliminary and Final Major Subdivision, Soil Movement Permit Application

Mr. Whitaker of McDonnell & Whitaker at 245 E. Main Street, Ramsey, NJ approached. Mr. Whitaker stated that he was representing the Applicant, OSAN USA Inc. Mr. Whitaker explained that the Applicant is the contract purchaser of the property. Mr. Whitaker described the property and the proposed two lot subdivision. Mr. Whitaker stated that the lot fronting Chestnut Street would be 51,410 square feet while the lot fronting on Strong Street would have 55,090 square feet. Mr. Whitaker stressed that this Application is for the subdivision of the property into two lots, and not an application to build homes.

Mr. Whitaker explained that they are seeking a variance for:

- The lot depth for the lot that is fronting Strong Street.
- The street frontage requirement for the lot on Strong Street.
- The creation of lots on streets that are not approved or improved to Township standards.

Mr. Whitaker also explained that the Applicant is seeking a waiver from the requirement to provide a 500-foot drainage map. Mr. Whitaker pointed out that this Application is only for two lots and it is not a typical larger subdivision that would need such drainage plans. Mr. Whitaker also stipulated that the Applicant would comply with all drainage requirements when and if a house is built at a future date, with no increase in drainage runoff.

Mr. Whitaker explained that a Soil Movement Permit Application was submitted because there was discussion about the possible widening on Chestnut Street. He explained that the requirement for this would depend on whether the Board deemed it necessary.

Mr. Whitaker stated that the Applicant would comply with all the requirements listed within Mr. Kelly's reports dated December 31, 2019 and January 3, 2020.

Mr. Steven Collazuol, P.E., L.S. of Collazuol Engineering & Surveying Associates at 1610 Center Avenue, Fort Lee, NJ provided his credentials and was accepted by the Board as an expert witness. Mr. Collazuol stated that he was employed by the Koestner Associates as an Independent Contractor. Mr. Kelly stated that he had no objection to Mr. Collazuol testifying to his familiarity with the plans, noting that the submitted plans were created by Koestner Associates and reviewed with Mr. Collazuol. Mr. Whitaker identified Exhibit-A1 as a four-page plan prepared by Koestner firm, dated April 6, 2019 and revised January 24, 2020. Mr. Collazuol reviewed the existing and proposed conditions as depicted on these plans. Mr. Collazuol indicated that the proposed lots met all the bulk requirements except for the width and depth variances on Strong Street. Mr. Collazuol also stated that the conceptual dwellings depicted are meant to demonstrate that a home could be built meeting the setback requirements for that zone. Mr. Collazuol testified that the new lot would be larger than those that currently exist on Strong Street and that the irregular lot size is an existing condition of the lot. Mr. Collazuol discussed that there were ways to meet the lot depth requirement but that they designed it in the proposed manner to maintain the rear lot line. Mr. Collazuol discussed the lot frontage deficit on Strong Street. Mr. Collazuol provided testimony that if homes were built on the proposed lots, they could be serviced by emergency vehicles. Mr. Collazuol testified that 17 lots are currently being serviced on Strong Street while 10 lots are being serviced on Chestnut Street. He testified that there would be no detrimental effect by adding one more home to those currently being serviced.

Mr. Collazuol explained that the need for a 500-foot drainage map is for a larger subdivision. Mr. Collazuol explained that for a two lot subdivision, drainage would be managed onsite with things such as seepage pits for roof runoff. Mr. Collazuol testified that the lots would be able to be developed without incurring additional runoff on neighboring properties. Mr. Collazuol agreed that any subsequent development would be subject to Municipal Engineering and Building Department Review. This would include specific drainage calculations documenting how the drainage system would work.

Mayor Roth questioned the additional width at the end of Strong Street. Mr. Collazuol estimated it was about five feet wider and that this was adequate for turnaround.

There was additional discussion about the ability to turnaround at the end of Strong Street. Mr. Whitaker explained that a turnaround is proposed on the property for private use. He also explained that Mr. Koestner did not propose a cul-de-sac because they wanted to minimize the increase in impervious coverage. Mr. Whitaker pointed out that neither the Police or Fire Department reviews indicated concerns regarding the turnaround.

There was discussion regarding the widening of Chestnut Street. Mr. Kelly explained that the Township has asked for a road widening easement but did not feel that the actual widening should be done at this time. There was discussion regarding possible assessments for the cost of the street widening. It was suggested that any assessments should be made when and if the widening ever occurred.

It was noted that the Fire Department review was accepted without comment. Mr. Crean asked if a new home would be too far from the existing fire hydrant. Mr. Kelly suggested that the Fire Department speak to that concern.

Mr. Kelly explained that although two lot subdivisions are usually “Minor”, this Application was considered “Major” because of the proposed lot frontage on an “unapproved” and “unimproved” street. He explained that this designation changes how the subdivision would be filed.

Mr. Kelly discussed the lot depth definition and calculation, requesting that the Applicant provide the exact numbers using this defined calculation. Mr. Whitaker stated that the Applicant would provide this.

Mr. Kelly noted the variance regarding lot frontage on Strong Street. He specified that if approved, individual Soil Movement Permit Applications should be submitted for each lot.

Mr. LoIacono stated that the Application had different addresses for the property Owner. Mr. Whitaker stated that he would look into his.

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

Ms. Susan Kolkka of 41 Strong Street approached. Ms. Kolkka discussed current problems she has with trucks turning around in her driveway and yard. Ms. Kolkka stated that she has had many mailboxes and trees that have been hit by vehicles turning around in her driveway and on her lawn because there is not enough room at the end of the street

Ms. Kolkka stated that she has lived there since 1974 and the basement has always flooded. She is concerned that the Applicant may not be doing the 500-foot drainage map. She said that she fears that the flooding will get worse. Ms. Kolkka stated that the drain in front of her house is sinking and she is not sure how this Application will affect it. Ms. Kolkka asked that the Board consider the extra flooding and narrow width of the road.

Mr. Scandariato explained that this was a time for questioning the Applicant's witness. Ms. Kolkka voiced her concerns about the flooding and the turnaround width again. Mr. Collazuol testified that he was speaking to the measurements on the survey and that the drain basin was a DPW matter. Mr. Collazuol felt a UPS truck could complete a three point turn successfully, on Strong Street. Mr. Whitaker stated that the difficulty with the width of the road and turning around is an existing condition and not exacerbated by this subdivision. Mr. Whitaker explained that the Applicant proposed to have a turn area on the lot, in order to provide a private turning area.

Mr. Kelly answered Mr. LoIacono's question as to whether the Applicant would return to this Board for development of the lot. Mr. Kelly explained that the Soil Movement Permit Applications would most likely be reviewed by his office and not be before the Planning Board unless they are moving more than 1,000 cubic yards of soil.

Mr. Kelly stated that drainage is a big concern that is always present. He explained that the 500-foot drainage map shows all existing drainage structures within 500 feet. Mr. Kelly explained further that although the Township may provide a waiver for this requirement, that waiver doesn't mean the Applicant doesn't have to address the drainage concerns. The Applicant would be required to demonstrate that there is a zero increase in runoff from the site. Mr. Kelly stressed that the Township takes these drainage concerns very seriously and does not allow an increase in runoff.

Mr. Kelly specified that he will ask the DPW to address the sunken drain. He also discussed how clearcutting is included in the drainage calculations. He explained that there are procedures in place to be sure there is no additional runoff during construction.

There was discussion about limiting the access of larger vehicles on the road. Ms. Galow asked if there was another option to provide a turnaround. Mr. Kelly specified that they should not do less than a cul-de-sac which needs a 50-foot radius.

Mr. John Curley of 24 Chestnut Street approached the Board. Mr. Curley explained that he lives across the street from the proposed subdivision. Mr. Curley questioned the slope that Mr. Collazuol had described as part of the existing conditions. Mr. Collazuol showed Mr. Curley how the slope and pitch were represented on the plan. Mr. Curley stated that there was a previous subdivision with improper drainage that resulted in flooding in his yard. Mr. Curley asked if a geographic study had been done of the area. Mr. Curley explained that he had spent

much expense over the last 15 years trying to remediate the flooding. Mr. Curley explained further that if you went into his crawl space there is water flowing with a water level of anywhere from three to seven feet. Mr. Collazuol explained what tests would be done to design the onsite drainage system and control any runoff when a home is built. Mr. Collazuol felt that the proposed lot had plenty of room to address any runoff. Mr. Curley asked if there are wetlands on the property. Mr. Whitaker stated that it was evaluated and no wetlands were identified. Mr. Whitaker reiterated that this Application was for a Subdivision and not to build a home. Mr. Scandariato reiterated this and explained that drainage calculations would be addressed as part of the Soil Movement Permit Application if and when a home was built.

Ms. Gail Warner of 16 Chestnut Street approached and explained that she has lived there for 30 years. Ms. Warner asked how many trees were being removed. It was explained that this Application was only for the subdivision so it didn't include tree removal or home design. Ms. Warner said that she has water in her basement in addition to black mold. She stated that she has spoken with Mr. Wiest, the Township Business Administrator, regarding her water concerns and an existing berm that gets broken. Mr. Scandariato explained again that the Board was only considering a Subdivision tonight. Ms. Warner continued describing existing problems including septic problems they had when they first moved in due to the type of rock and soil that is present.

Mr. Robert Titus of 31 Chestnut Street approached explaining that he thought only one lot could be developed on this property. Mr. Crean explained that the Application is being considered to subdivide into two lots and will be considered based on the Township requirements.

Mr. Dan Saufroy of 17 Chestnut Street approached and asked why a "T-Turn" could not be put in place instead of a cul-de-sac. Mr. Collazuol reiterated Mr. Kelly's recommendation for a cul-de-sac if any type of turnaround was required. Mr. Whitaker discussed the undue burden placed on one property owner regarding the improvement of a street that has existing problems.

Mr. LoIacono asked if the Township would work with the Applicant to provide a cul-de-sac and alleviate existing problems. Mr. Kelly discussed the options regarding where a cul-de-sac would be constructed. Mr. Kelly explained further that it would be within the Planning Board's authority to ask the Applicant to come back with a conceptual plan with a cul-de-sac.

Mr. Saufroy asked how the DPW would handle the snow. There was more discussion about how the snow might be managed. Mr. Whitaker reiterated that this Application was for a subdivision only, which would not affect DPW plowing.

Mr. Thomas Fagan of 23 Strong Street approached and asked about when the public could voice their concerns. Mr. Scandariato explained the format of when the public could ask questions of a witness and when the public would be given an opportunity to testify. Mr. Fagan questioned where the driveway location was on an adjoining property. Mr. Collazuol explained what he observed during his visit to the site. There was discussion regarding the fact that the garbage truck has to back down Strong Street. There was also discussion regarding the location of the fire hydrant. Mr. Whitaker stated that the Fire Department did not request an additional fire hydrant. Mr. Fagan asked Mr. Collazuol about the use of "T Turns".

Mr. John Curley of 24 Chestnut Street approached and reiterated his concerns regarding flooding. There was a discussion again regarding the format of the meeting and opportunity for the public to comment once expert testimony was complete.

Ms. Jai Titus of 31 Chestnut Street approached and asked why there were two lots instead of one. Mr. Scandariato noted that it is the property owner's right to make Application to the Planning Board and for the Planning Board to consider the Application based on Township requirements and Expert Testimony.

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

Mr. Crean announced that a 5-minute recess would be taken.

The meeting resumed at 9:27 p.m. Mr. Whitaker stated that the Applicant would like to evaluate possible changes that might address the concerns that were expressed by the Board and residents. Mr. Whitaker noted that the Applicant was not promising anything but that they would take the time to evaluate what changes could be made.

Mr. Crean announced that the Public Hearing for Docket #602 – OSAN USA LLC was carried to the regularly scheduled Planning Board meeting on March 9, 2020 with no further notice required.

### **VIII. WORK SESSION:**

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

- 1. Review of Town Council Resolution #079-20** – “Authorization to the Township Planning Board to Undertake a Preliminary Investigation Pursuant to the Local Redevelopment and Housing Law as to Whether the Following Lots and Blocks Shall be Designated an Area in Need of Redevelopment” - Block 82, Lots 1, 3-17, 26, 29 and 30

Mr. Scandariato provided an explanation and outlined the procedural steps that the Planning Board was responsible for. Ms. Lawlor also provided an overview of the process and reviewed the Maser Proposal for Redevelopment Services dated January 20, 2020. Ms. Lawlor read Block 82, Lots 1, 3-17, 26, 29 and 30 into the record as the lots included in this investigation.

There was discussion questioning why this action was taken. Mr. Ervin stated that the Township has been trying to work with possible development of this area for many years and that the buildings are in disrepair.

There was further discussion regarding possible development scenarios and the existing zoning overlay.

A motion to award a contract to Maser Consulting, P.A., to conduct a preliminary investigation of Block 82, Lots 1, 3-17, 26, and 29, to determine whether that area, in whole or in part, is an

Area In Need of Redevelopment, with the option of using eminent domain, was made by Mr. LoIacono and seconded by Mr. Olear. A roll call of members revealed 10 aye votes by Mayor Roth, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. LoIacono, Mr. Olear, Mr. Pallotta, Mr. Van Duren, Ms. Jankowski and Ms. Galow.

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

**IX. ADJOURNMENT:**

A motion to adjourn the meeting at 9:50 p.m. was made by Mr. Pallotta and seconded by Ms. Galow. All voted in favor.

These minutes were prepared by Mary Jo Wood, Planning Board Secretary. The minutes were provided to the Planning Board on June 1, 2020 for approval at the Regular Meeting to be held June 8, 2020.