

**TOWNSHIP OF MAHWAH PLANNING BOARD  
REGULAR /WORK SESSION MEETING MINUTES  
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.  
MONDAY, FEBRUARY 24, 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 7:31 p.m. by 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. Ervin  
Ms. Galow  
Ms. Jankowski  
Mr. LoIacono  
Mr. Pallotta

The following individuals were absent:

Mr. Donigian  
Mr. Grewal  
Mr. Olear  
Mr. Van Duren

Professionals: Peter J. Scandariato, Esq., John G. Yakimik, P.E., Debbie Alaimo Lawlor, P.P.

**III. APPROVAL OF BILLS:**

Maser Consulting	1/13/2020	Meeting Attendance	\$200.00
Phillips Nizer	1/13/2020	Meeting Attendance	\$250.00

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

**IV. APPROVAL OF MINUTES: December 16, 2019**

A motion to approve the above minutes was made by Mr. Pallotta and seconded by Ms. Galow. A roll call of members revealed 5 aye votes by Mayor Roth, Mr. Crean, Mr. LoIacono, Mr. Pallotta and Ms. Galow.

**V. RESOLUTION FOR MEMORIALIZATION:**

1. **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. Planning Board Resolution to engage Maser Consulting to conduct the preliminary investigation and evaluate whether the area satisfies the criteria set forth in N.J.S.A. 40A:12-5 to be determined an area in need of redevelopment. Resolution of Approval

A motion to approve the resolution was made by Mr. Ervin and seconded by Mayor Roth. A roll call of members revealed 7 aye votes by Mayor Roth, Mr. Crean, Mr. Ervin, Mr. LoIacono, 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. Pallotta. All voted in favor.

No one wishing to be heard, a motion to close the meeting to the public was made by Mayor Roth and seconded by Ms. Galow. All voted in favor.

**VII. PUBLIC HEARINGS: None to Present**

**VIII. WORK SESSION:**

A) NEW BUSINESS:

1) **Docket #597 – Lithia Northeast Real Estate LLC**

440 Franklin Turnpike, Block 110.01, Lot 7

Discussion regarding an onsite Internal Health and Wellness Center

Mr. James Jaworski of Wells, Jaworski & Liebman LLP at 12 North Route 17, Paramus, NJ, approached stating that he was representing the Applicant. Mr. Jaworski explained that Ms. Entrup, the Administrative Officer, contacted him after seeing an advertisement flyer for an Internal Health and Wellness Center at this location. Mr. Jaworski explained that this does not fit the definition of a "Health and Wellness Center" nor that of a "Medical Facility" as defined in the Township code. Mr. Jaworski stated that he met with Ms. Entrup and Mr. Daniel Mariella who is the Township Construction Code Official. Mr. Jaworski stated that Ms. Entrup and Mr. Mariella were comfortable with this use after their meeting but that Ms. Entrup suggested that the Applicant come before the Planning Board to explain what the proposed

Health and Wellness Center was and put it on the record. Mr. Scandariato stated that he had also discussed the matter with Ms. Entrup and agreed with Mr. Jaworski's assessment that this does not fit the definition of "Health and Wellness Center". Mr. Jim Weingarten, Director of Design and Construction for Lithia Motors, 955 Route 9 North, South Amboy, NJ, indicated that the staffing consists of a Physician's Assistant or Registered Nurse onsite four days a week for limited hours. Mr. Weingarten said it is a Nurse's office. Mr. Jaworski specified that the square footage for this office was included in the plans that were previously approved by the Planning Board. Mr. Jaworski thanked the Board for their time.

**2) Docket #608 – Pike Enterprises LLC**  
149 Franklin Turnpike, Block 70.02, Lot 121  
Conceptual Review of Proposed Amended Site Plan

Mr. James Jaworski of Wells, Jaworski & Liebman LLP at 12 North Route 17, Paramus, NJ, approached stating that he was representing the Applicant. Mr. Jaworski explained that Pike Enterprises are the contract purchaser. Mr. Jaworski provided an overview of the conceptual design for a new 4 pump fueling station with a drive through Dunkin Donuts. Mr. Jaworski stated that there is adequate space for parking and queuing of vehicles. Mr. Jaworski also indicated that the design would meet the buffer requirements for neighboring residential areas. Mr. David Hals of Schwanewede/Hals Engineering reviewed the conceptual plans dated January 24, 2020.

There was a discussion regarding replacement of the fueling tanks. There was also conversation regarding the removal of the wooded area in order to make room for the Dunkin Donuts building. Mr. Jaworski explained that this Dunkin Donuts would replace the Dunkin Donuts currently located nearby in the Acme Shopping Center.

The Board expressed concerns about traffic queuing before the light. Mr. Jaworski suggested that a traffic study would need to be done to assess the needs of the area. Another concern was expressed in terms of a current safety hazard when cars exit, turning left onto Franklin Turnpike, heading southward. Mr. Yakimik, explained that all of these concerns would be studied in the traffic report.

Mr. Yakimik explained that this is a conditional use permitted within this Zone. Mr. Yakimik questioned if they meet all the conditions. There was further discussion questioning if the Application might need to go before the Board of Adjustment.

Mr. Crean commented how nice it would be to get that area cleaned up. Mr. Jaworski thanked the Board for their time.

**3) Docket #609 – Dean Melchior**  
3 Morris Ave, Block 162, Lot 221  
Conceptual Review of Proposed Minor Subdivision

Mr. Dean Melchior approached the Board and described the plot plan dated May 03, 2003 and the undated zoning map that were submitted with the Conceptual Application. Mr. Melchior explained that the proposed lots would not have the required square footage for a lot in the R-40 Zone. Mr. Melchior explained that most of the homes on Morris Ave were deficient in either frontage and/or lot size. Mr. Melchior pointed out some of these smaller lots.

Mr. Crean clarified that the proposed lot size would not be conforming.

Mr. Yakimik stated that Mr. Kelly had reviewed the submission and also identified the need for a lot size variance. Mr. Yakimik also discussed the lot coverage with Mr. Melchior.

Mr. Scandariato explained that the Board could not give Mr. Melchior an indication of how they would look upon the application. Mr. Scandariato explained that Mr. Melchior would need to come before the Board with a formal Application and provide any required expert testimony regarding the lot area variance.

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

#### **VIII. ADJOURNMENT:**

A motion to adjourn the meeting at 8:20 p.m. was made by Mayor Roth 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.