

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR /WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, MARCH 8, 2021 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 via Remote Zoom Conference was called to order at 7:30 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. It was noted that adequate notice of the meeting was provided specifying that this meeting would be held remotely and that electronic notice of both general access instructions and specific meeting invitations were posted to the Township Website.

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 Wysocki
Mr. Crean
Mr. Donigian
Mr. Ervin
Ms. Galow
Mr. Grewal
Mr. Goldstein
Ms. Jankowski
Mr. Lo Iacono
Mr. Olear
Mr. Pallotta

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

III. APPROVAL OF BILLS: None to Present

IV. APPROVAL OF MINUTES:

1. February 8, 2021

A motion to approve the above minutes was made by Mr. Pallotta and seconded by Mr. Donigian. A roll call of members present revealed 7 aye votes by Mayor Wysocki, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Goldstein, Mr. Lo Iacono and Mr. Pallotta.

V. RESOLUTIONS FOR MEMORIALIZATION:

- 1. Docket #580 – Gerdaneu, Inc. (Owner); Resource Control Consultants, LLC (Applicant),** 4 Leisure Lane, Block 26, Lot 4, Trailer Application, Extension of Preliminary Approval, Resolution of Approval

It was confirmed that the Applicant has provided the Township with the Site Investigation/ Remedial Investigation Report dated June 27, 2011 as requested.

A motion to adopt the above resolution was made by Mr. Donigian and seconded by Mr. Lo Iacono. A roll call of members present revealed 8 aye votes by Mayor Wysocki, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Grewal, Mr. Lo Iacono, Mr. Olear and Mr. Pallotta.

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. Donigian. 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.

VII. PUBLIC HEARINGS:

Mr. Crean and Mr. Grewal recused themselves from the Public Hearing for Docket #617. Mr. Crean relinquished the chair to Mr. Lo Iacono.

- 1. Docket #617 – Guido Realty, LLC**
295 and 305 State Highway Route 17, Block 63, Lots 10.01 and 10.02
Preliminary and Final Amended Site Plan Application, Soil Movement Permit Application, Movement of Soil Exceeds 1,000 cubic yards

Mr. Antimo Del Vecchio of Beattie Padovano LLC at 50 Chestnut Ridge Road, Suite 208 Montvale, NJ stated that his firm was representing the Applicant. Mr. Del Vecchio explained that the De Silva family owns Guido Realty, LLC and that Guido Realty LLC is both the Contract Purchaser for Lot 10.01 and the owner of the Liberty Mahwah LLC that owns Lot 10.02 where the Liberty Hyundai car dealership currently operates. Mr. Del Vecchio explained that the Applicant's intent is to use Lot 10.01 as additional space where the primary uses of the car dealership can be expanded. Mr. Del Vecchio provided an overview of the application and defined the following as exhibits:

Exhibit A-1: Affidavit of Notice

Exhibit A-2: NJ Highland Consistency Determination Letter - January 20, 2021

Exhibit A-3: Site Plan NJ Highland Consistency Determination Letter - January 20, 2021

Exhibit A-4: Drainage Report - September 1, 2020

Exhibit A-5: Stormwater Facilities Maintenance Manual - September, 28, 2020

There were questions regarding the jurisdiction of the application and whether the Planning Board or Board of Adjustment would be the appropriate Board to hear the application. Mr. Del Vecchio testified that the additional property takes on, as an accessory use, the nature and attributes of the principle property that it serves. Mr. Del Vecchio cited the following cases to support this:

- Angel vs. Franklin Township Board of Adjustment
- Suesserman vs. Newark Board of Adjustment
- Nuckel vs. Little Ferry Planning Board

Mr. Del Vecchio summarized that the application's proposed use should be considered a principal accessory use and not a conditional use.

Mr. Scandariato and Ms. Lawlor agreed that this would be an accessory use to the dealership and not a conditional use clarifying that the Planning Board would have jurisdiction. Mr. Kelly suggested that the Board consider a condition of approval that an access agreement be required that ties the new lot to the existing lot. Mr. Kelly explained that this would clarify that the use of the parking is only approved for as long as it is connected with the dealership. There was additional discussion on how this would be done.

Mr. Del Vecchio testified that there would be customer access in the parking area which would contain cars that were fully prepared and ready for sale. Mr. Del Vecchio testified that no car carriers would be used to deliver cars to this area.

Mr. David Hals of Schwanewede/Hals Engineering at 9 Post Road, Suite M11, Oakland, NJ was sworn in and was accepted as an expert based on previous qualifications before the Board. Mr. Hals testified that the submitted plans were prepared in his office, that he was familiar with the site and with the plans and other documents submitted for this application. Mr. Hals stated that he supervised the submission of the NJ Highland Council submission.

Mr. Hals displayed Area Map (Exhibit A-3/Sheet 11). Mr. Hals described the area zones and bordering properties. Mr. Hals displayed the Survey of the site (Exhibit A-3/Sheet 3) describing the existing conditions of the site. Mr. Hals noted that Lot 10.01 is currently vacant with a billboard, a defined wetlands in the southwest corner of the property and a designated Highland's Groundwater Recharge Area. Mr. Hals displayed the area of the proposed parking area development. Mr. Hals testified that all vehicles will be ready for sale and will be transported to this area by dealership employees. Mr. Hals estimated that there would be 10-25 trips per day. Mr. Hals clarified that the parking on this lot would be for storage of these new cars only, with no customer parking. Mr. Hals reviewed the proposed sizes of the parking spaces. The parking spaces at front of the site would be larger to match the look of the dealership but the storage parking spaces would be smaller as they are used for inventory storage. Mr. Hals indicated that the parking area would be elevated with hopes to integrate into possible future development. Mr. Hals explained that the grading would be the same as the dealership. Mr. Hals described the proposed retaining wall and movement of soil that would be required. Mr. Hals displayed the Grading and Drainage Plan (Exhibit A-3/Sheet 4) and reviewed the proposed plans and how the Applicant would meet the Stormwater Regulations.

Mr. Hals described the proposed lighting on the site indicating that lighting would be shielded from the neighboring residential lots. Mr. Hals testified that the hours of operation would be the same as the car dealership and that there would be no signage on the site.

Mr. Hals reviewed the tree removal and landscaping plan (Exhibit A-3/Sheet 8), testifying that the fifty-two (52) trees being removed would be replaced with eighty-seven (87) trees. Mr. Hals described the double row of trees along the rear line intended to provide a buffer for the bordering residential lots.

Mr. Hals discussed the other approvals the Applicant is seeking from other agencies. Mr. Hals also reviewed the waivers that the Applicant requested. This included a waiver from the requirement to provide the 500 foot drainage map as this project would not affect this drainage.

Mr. Hals discussed the drive aisle width and parking space size waivers indicating that these proposed sizes would provide appropriate parking areas because only designated employees would be parking vehicles in this area. Mr. Hals also discussed the tandem parking proposed to be used and that this too would be appropriate in this storage lot that is not accessed by the general public.

Mr. Hals discussed the slope waiver request that would help maintain existing trees and minimize disturbance of the area. Mr. Hals testified that there is no fencing proposed.

Mr. Kelly indicated that both a waiver and variance would be needed for the tandem parking. Mr. Hals discussed the reasons why this type of parking was appropriate for this storage of vehicles and that this was not a traditional retail parking lot. Mr. Hals explained the benefit in that the tandem parking reduces the overall impervious area required for the same storage of cars.

Mr. Kelly testified that the replacement trees would need to be at least 2.5 inches in caliper.

There was discussion regarding the drainage plans. Mr. Kelly indicated that his office had a few items that would be dealt with directly with the Applicant's engineer but that he agreed with the concept and stated that it was in accordance with regulation.

Mr. Kelly requested a condition of approval that would provide a six month period where the lighting can be monitored and reviewed. Mr. Kelly also requested a condition of approval providing a review of the landscaping and buffering.

Mr. Kelly requested that the Applicant provide his office with copies of the DEP approvals and the Map that comes with the LOI. Mr. Hals agreed to this and specified that the Highlands Determination conditions would be met and that copies of that would also be forwarded to the Township. Mr. Kelly indicated that the conditions for the NJ Highlands approval be included in the resolution as an additional condition of the Planning Board Approval.

Ms. Lawlor discussed the need for parking space striping and there was further discussion regarding this. The Applicant agreed to stripe the drive aisles and parking spaces.

Mr. Ervin suggested that the Outdoor Storage of Vehicles be looked at from a Zoning aspect to clearly define requirements.

There was further discussion about the isolated wetlands and prime ground water recharge area on the property and possible future developments of this property.

The Applicant agreed to meet with Mr. Kelly for approval of the species of vegetation that would be used in the Landscaping plan.

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

A motion to conditionally approve the application was made by Mr. Ervin and seconded by Mr. Pallotta. A roll call of members present revealed 9 aye votes by Mayor Wysocki, Mr. Donigian, Mr. Ervin, Mr. Goldstein, Mr. Lo Iacono, Mr. Olear, Mr. Pallotta, Ms. Jankowski and Ms. Galow. Mr. Crean and Mr. Grewal did not vote as they were rescued for this hearing.

Mr. Lo Iacono relinquished the chair to Mr. Crean.

VIII. WORK SESSION:

- A) NEW BUSINESS: Mr. Scandariato discussed some clarifications of the format and content that would be used when making motions, seconding motions and/or voting on a motion.
- B) OLD BUSINESS: Mr. Donigian asked for a status on the landscaping at the Valley Wellness Center as he observed large shrubbery present at the site. Mr. Kelly indicated that he would follow up on the status and report back to the Board.
- C) COMMITTEE REPORTS: None

IX. ADJOURNMENT:

A motion to adjourn the meeting at 9:01 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 April 22, 2021 for approval at the Regular Meeting to be held on April 26, 2021.