

**TOWNSHIP OF MAHWAH PLANNING BOARD  
REGULAR /WORK SESSION MEETING MINUTES  
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.  
MONDAY, MARCH 9, 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 via Remote Zoom Conference 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. Donigian arrived at 8:04 p.m.

Mr. Ervin

Ms. Galow

Mr. Grewal

Ms. Jankowski

Mr. Lo Iacono

Mr. Olear

Mr. Van Duren

The following individuals were absent:

Mr. Pallotta

Professionals: Peter J. Scandariato, Esq., Michael Kelly, P.E., Marcia R. Shiffman, P.P.

**III. APPROVAL OF BILLS:**

Peter Scandariato            2/10/2020    Meeting Attendance    \$250.00

Peter Scandariato            2/24/2020    Meeting Attendance    \$250.00

A motion to approve the above bills was made by Mr. Olear and seconded by Mr. Van Duren. A roll call of members present revealed 9 aye votes by Mayor Roth, Mr. Crean, Mr. Ervin, Mr. Grewal, Mr. Lo Iacono, Mr. Olear, Mr. Van Duren, Ms. Jankowski and Ms. Galow.

**IV. APPROVAL OF MINUTES:**

**1. January 13, 2020 – Reorganization Meeting**

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

**2. January 13, 2020 – Regular Meeting**

Mr. Kelly suggested a correction to the spelling of Macarthur Boulevard.

A motion to approve the above minutes, with the spelling correction 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. Grewal, Mr. Olear, Ms. Jankowski 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. Ervin and seconded by Mr. Lo Iacono. All voted in favor.

Mr. Braggin of Ramsey approached the Board. Mr. Braggin explained that he has monitored the Crossroads project. Mr. Braggin congratulated Mahwah on providing remote viewing of the Board meetings for the Public.

Mr. John Fesen from 20 Falcon Court approached and asked if the Public would have the opportunity to make comments after the Bergen County Law and Public Safety Institute presentation. Mr. Crean explained that there is not a time for Public comment after a Work Session item. Mr. Fesen discussed his understanding of the project and expressed his disappointment that the money spent on this project was not spent on reducing the excessive noise. Mayor Roth explained that this is a courtesy review by the County and that the Township has no authority over the County.

A motion to close the meeting to the public was made by Mr. Van Duren and seconded by Mr. Ervin. 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. and that this hearing was a continuation of the Public Hearing on February 10, 2020.

Mr. Whitaker stated that at the last meeting, the Applicant requested a two lot subdivision on Strong & Chestnut Streets. Mr. Whitaker explained that concerns were raised regarding the available access and turnaround radius of delivery trucks and emergency vehicles. Mr. Whitaker explained that the Applicant reviewed these concerns and submitted a new subdivision proposal with plans dated April 6, 2019 with a revision date of February 21, 2020. Mr. Whitaker stated that the new proposal included the addition of a cul-de-sac on the proposed lot on Strong Street. Mr. Whitaker explained that this would resolve any concerns regarding emergency vehicle access or vehicle turn around radius. Mr. Whitaker stated that the Applicant had reviewed the Boswell report dated February 27, 2020 and would meet all the requirements within the Boswell report. Mr. Whitaker noted that the Applicant would also comply with the request from the Township Water and Fire Department to install a hydrant at the cul-de-sac with a water line extension to that point.

Mr. Whitaker explained that the Applicant no longer needed to request a lot frontage variance. The only variance now requested was a lot depth variance. Mr. Whitaker felt this was an insignificant or de minimis variance. Mr. Whitaker specified that the Applicant would still need the waiver for the Strong Street lot that fronts on a street that is improved but not approved to Township standards.

Mr. Steven Koestner of Koestner Associates at 61 Hudson Street Hackensack, NJ 07601 was sworn in, provided his credentials and was accepted by the Board as an expert Engineer and Land Survey witness. Mr. Koestner testified that he prepared the plans dated April 6, 2019 with the revision date of February 21, 2020. This set of plans (4 pages) was submitted as Exhibit A-1. All sheets submitted reflected the February 21, 2020 revision date. Mr. Koestner reviewed the plans and the cul-de-sac that was added. Mr. Koestner testified that both lots would meet the area requirement. Mr. Whitaker said individual Soil Movement Permit Applications would be submitted for the building of single family homes in the future and that a home could be built without the need for variance relief. Mr. Koestner discussed the lot depth calculation. Mr. Whitaker passed out a handout explaining the lot coverage calculation marked as Exhibit A-3. There was significant discussion regarding this lot depth calculation. Mr. Koestner agreed that the Boswell report requirements would be met; that required changes would be made to the map and it would be filed with the County. Mr. Koestner pointed out where the requested fire hydrant and water line extension would be placed on sheet 3 of the submitted plans. Mr. Whitaker stipulated that changes depicting the location would be subject to review by the Township Engineer, as well as the Water and Fire Departments. Mr. Koestner testified that the drainage plan now included a drain to collect additional run-off from the cul-de sac. Mr. Koestner remarked that if homes were built, additional drainage would be approved with plans submitted for the building of the homes. Mr. Koestner testified that the drainage plans would meet all Township requirements and any additional requests from the Township Engineer.

Mr. Kelly concurred with the lot depth findings that the Applicant presented. Mr. Kelly reviewed the items on his report of February 27, 2020 specifying that the Applicant had provided the needed testimony and information. Mr. Kelly asked that a condition of approval be added that there would be no additional run off during construction as well.

Mr. Kelly also specified that the seepage pits for the cul-de-sac would be placed on private property and would not be the Township's responsibility to maintain.

Ms. Shiffman agreed that the only variance was for the lot depth and questioned the error on the total square footage of the lot. She also requested that the plan be updated to include the new calculation for lot depth. Mr. Whitaker specified that these would be included in the plan revisions.

In response to Mayor Roth's questions, Mr. Koestner reviewed the catch basins proposed to capture the run-off from the cul-de-sac and move the water to the seepage pits.

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

Mr. Braggin of Ramsey approached and questioned why Mr. Kelly asked for a 50 foot cul-de-sac and a 48 foot cul-de-sac was proposed. Mr. Kelly stated that the Applicant was proposing a cul-de-sac that was adequate within the RSIS standards that are adopted by the Township. Mr. Braggin discussed the Township right-of-way. Mr. Koestner discussed that there would be 8 feet behind the curb dedicated to the Township. There was further discussion about the lot depth calculation. There was also discussion about designation of a street as unapproved or unimproved. Mr. Kelly reviewed how this was defined within the Township Code.

Susan Kolkka of 41 Strong Street questioned if further subdivisions could be made. Mr. Koestner stated that this application was for only 2 lots and that future subdivisions would have to come before the Board as a separate application. Ms. Kolkka asked how far the property line was from her house on Strong Street. Mr. Kelly suggested that Ms. Kolkka have her property surveyed if she had concerns about where the property line was. Ms. Kolkka asked if the cul-de-sac would be considered a public road. Mr. Whitaker specified that it would be Township property after the dedication. Mr. Kelly confirmed that it would be plowed by the Township and the public could park on it.

Jai Titus of 31 Chestnut Street asked if the subdivision was still being discussed. Mr. Scandariato confirmed that the subdivision was the discussion of this hearing. Ms. Titus asked how the green space would be preserved. Mr. Whitaker specified that they were meeting the Township standards for development.

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

Mr. David Spatz of 60 Friend Terrace, Harrington Park was sworn in, provided his credentials and was accepted as an expert Urban Planning witness. Mr. Spatz testified that he was involved with the preparation of the submitted plans. Mr. Spatz discussed the lot depth variance for Lot 45.02. Mr. Spatz reviewed the nature and size of the lots as they meet the requirements of the R40 Zone. Mr. Spatz reviewed the purpose of the lot depth requirement. Mr. Spatz discussed the significant public improvements and benefits of this

new plan including the cul-de-sac; the improved turn around area; the additional drainage; the extension of the water line; and the new fire hydrant on the site. Mr. Spatz testified that these proposed changes improved public safety. Mr. Spatz testified that the benefits of the proposed subdivision greatly outweighed the de minimis shortage of five feet regarding the lot depth variance.

Mr. Spatz confirmed that the cul-de-sac meets the RSIS requirements.

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

Mr. Braggin of Ramsey asked for clarification on the square footage of the lot on Strong Street.

Ms. Gail Warner of 16 Chestnut Street asked for the size of the homes. Mr. Spatz indicated that the homes would have to meet the Township requirements.

Mr. Crean requested a 5 minute recess. A motion to take a 5 minute recess was made by Mr. Van Duren and seconded by Mr. Donigian. All voted in favor.

The meeting reconvened and Mr. Scandariato clarified that any conversation between the public and the Board outside the Public Hearing is inadmissible and will not be considered regarding the application.

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

Mr. Crean clarified that the Public was welcome to come up and ask a question of the witness who had just given testimony. Mr. Crean explained that this time was for questions only.

A motion to close the meeting to the public was made by Mayor Roth and seconded by Mr. Lo Iacono. All voted in favor.

The Applicant had not further witnesses.

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

Mr. Braggin of Ramsey questioned the intention of Mr. Whitaker's testimony from the previous public hearing regarding the irregularity of the lot size. Mr. Braggin stated that he thought the application as now proposed should be approved.

A motion to close the meeting to the public was made by Mr. Lo Iacono and seconded by Mr. Donigian. All voted in favor.

Mr. Whitaker summarized the benefits of the proposed Application.

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

Mr. Donigian abstained from the vote because he was absent for the engineering testimony.

## **VIII. WORK SESSION:**

### **A. NEW BUSINESS:**

- 1) Docket #612 - Bergen County Law and Public Safety Institute  
281 Campgaw Road, Block 141, Lot 13  
Courtesy Review of the County's Expansion Project

Mr. William Brown, Assistant County Counsel of Bergen County Counsel's Office thanked the Board for giving them the time to present this review. Mr. Brown explained that the County's intention is to be able to provide the best training facility possible. Mr. Brown introduced Mr. Ralph Walker of RSC Architects at 3 University Plaza Drive Suite 600, Hackensack, NJ. Mr. Walker presented an overview of the three proposed structures. Mr. Walker referred to the submitted set of plans titled "Bergen County Law and Public Institute - Planning Board Review 3/02/2020 RSC# 42.19.001".

Mr. Walker gave an overview of the existing and proposed three structures as:

- Commercial Tower Structure - This structure will replace the dilapidated structure that currently exists and includes a repelling tower. This is the first structure that will be built.
- 2 story multiple use building - training structure
- 2 story single family residence - training structure

Mr. Walker handed out a Google image with an overlay of the proposed structures as Exhibit A-1. Mr. Walker pointed out the buffer area around the proposed area and noted that the footprint of the developed area was not changing.

In response to Mr. Donigian's questions, Mr. Walker explained that they would continue training while the structures were built one at a time. Mr. Walker also addressed the utility improvements with a new water tap and water loop, as well as improvements to the water drainage. Mr. Walker specified that new electric and water would be run to the new structures. Mr. Walker also discussed the use of propane tanks to fuel the props that will simulate fires. Mr. Walker reviewed the square footage and footprints of the structures. Mr. Walker stated that utility work is expected to begin within a month and the completion is expected to take approximately two years.

Mr. Kelly explained that there are residents on Elizabeth Lane and asked if the location of the propane tanks could be moved further away from the Township road. Mr. Walker stated that he

would work with Mr. Kelly to define this location and that they would try to keep clear of. Mr. Kelly asked that Mahwah be invited to the preconstruction meeting. Mr. Walker thought this could be done. Mr. Walker stated that there would be no increase in run-off.

Ms. Shiffman pointed out that the 50 foot structure was closest to the buffer and could be visible from the residential area. Mr. Walker explained that it was an existing well established buffer. Ms. Shiffman recommended that the County look into the possible need of fortifying this buffer since the building height was increasing near this residential area. Mr. Walker acknowledged Ms. Shiffman's concerns regarding the buffer and the proposed location of the taller structure.

Mr. Ervin questioned if there was any work within this project that would address the noise levels from the firing range. Mr. Walker stated that he had no involvement with the firing range.

Mr. Crean asked when the public would have an opportunity to voice concerns about the project. There was discussion about when this occurs at the County level.

There was discussion that no cell towers were included in this project.

Mr. Crean thanked the County representatives for the presentation.

A motion to acknowledge receipt of the plans from the County was made by Mr. Donigian and seconded by Mr. Van Duren. A roll call of members revealed 10 aye votes by Mayor Roth, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Grewal, Mr. Lo Iacono, Mr. Olear, Mr. Van Duren, Ms. Jankowski and Ms. Galow.

**B. OLD BUSINESS:**

- 1) Mr. Scandariato explained that questions arose after the last Planning Board meeting regarding the feedback that the Board can provide as part of a Conceptual Review. Mr. Scandariato suggested that it would be helpful to document procedures for Conceptual Reviews, indicating when a review would be appropriate and what testimony would be recommended. Mr. Scandariato suggested that he would work with the Administrative Officer to move forward with this. The Board agreed that this would be helpful for all.

**C) COMMITTEE REPORTS: None**

**VIII. ADJOURNMENT:**

A motion to adjourn the meeting at 9:43 p.m. was made by Mr. Ervin and seconded by Mr. Van Duren. All voted in favor.

Township of Mahwah  
Planning Board Minutes  
March 09, 2020

These minutes were prepared by Mary Jo Wood, Planning Board Secretary. The minutes were provided to the Planning Board on August 19, 2020 for approval at the Regular Meeting to be held August 24, 2020.