

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR /WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, APRIL 20, 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 7:35 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:

Mr. Crean
Mr. Donigian
Mr. Ervin
Ms. Galow
Mr. Grewal
Ms. Jankowski
Mr. Lo Iacono
Mr. Olear
Mr. Pallotta
Mr. Van Duren

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

The following individuals were absent:

Mayor Roth

III. APPROVAL OF BILLS:

Maser Consulting	2/10/2020	Meeting Attendance	\$200.00
Maser Consulting	2/24/2020	Meeting Attendance	\$200.00
Maser Consulting	3/09/2020	Meeting Attendance	\$200.00
Peter Scandariato	3/09/2020	Meeting Attendance	\$250.00

A motion to approve the above bills was made by Mr. Donigian and seconded by Mr. Ervin. A roll call of members present revealed 10 aye votes by Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Grewal, Mr. Lo Iacono, Mr. Olear, Mr. Pallotta, Mr. Van Duren, Ms. Jankowski and Ms. Galow.

IV. APPROVAL OF MINUTES: None to Present

V. RESOLUTIONS FOR MEMORIALIZATION:

1) Docket #602 – OSAN USA INC.

Chestnut Street, Block 167, Lot 45, Preliminary and Final Major Subdivision, Soil Movement Permit Application, Resolution of Approval.

A motion to adopt the resolution was made by Mr. Lo Iacono and seconded by Ms. Galow. A roll call of members present revealed 7 aye votes by Mr. Crean, Mr. Ervin, Mr. Lo Iacono, Mr. Olear, Mr. Van Duren, Ms. Jankowski and Ms. Galow.

2) Docket #612 - Bergen County Law and Public Safety Institute

281 Campgaw Road, Block 141, Lot 13, Courtesy Review of the County's Expansion Project, Resolution of Receipt and Acceptance of Plans

A motion to adopt the resolution was made by Mr. Van Duren and seconded by Mr. Donigian. A roll call of members present revealed 9 aye votes by Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Grewal, Mr. Lo Iacono, Mr. Olear, Mr. Van Duren, 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. Donigian. All voted in favor.

No one wishing to be heard, 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. E-BD-216-3225 – Great Hall Development, LLC (Carried From April 6, 2020)

30 Great Hall Road, Block 23.03, Lot 9

Soil Movement Permit Application for the Construction of a single family home, Movement of Soil exceeds 1,000 cubic yards.

Mr. Crean stated that the Public Hearing for E-BD-216-3225 – Great Hall Development, LLC was being carried to the May 4, 2020 Planning Board meeting due to difficulties resulting from the covid pandemic.

VIII. WORK SESSION:

A) NEW BUSINESS:

1. Docket #544FM SD - Anthony Fasciano, et al. (Carried from April 6, 2020)

Monroe Drive, Block 149, Lot 20

Application for Final Major Subdivision Approval

Mr. Joseph Vince, P.E., P.P., P.L.S. was sworn, presented his credentials and was accepted by the Board as an expert Engineering Witness. Mr. Vince explained the history of this application

and the Preliminary Major Subdivision Approval and Soil Movement Permit Approval it received from this Planning Board on February 23, 2015. Mr. Vince reviewed the other approvals that have been received regarding the subdivision. Mr. Vince testified that the prior issue with the NJDEP regarding the removal of the Site from the sewer service area due to a possible endangered species habitat on the Site had been resolved once it was confirmed that the Site was not a habitat for the particular endangered species. Mr. Vince explained that the only change made on the plans was the correction of a math error regarding the lot area for Lot 20.01.

A motion to conditionally approve the application was made by Mr. Donigian and seconded by Mr. Van Duren. A roll call of members revealed 10 aye votes by Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Grewal, Mr. Lo Iacono, Mr. Olear, Mr. Pallotta, Mr. Van Duren, Ms. Jankowski and Ms. Galow.

2. **Review of Proposed Ordinance #1897** – “An Ordinance of the Township of Mahwah, Amending and Supplementing Chapter XXIV “Zoning” of the Land Development Code to establish Bulk Standards for the Multi-Family 1 and 2 Housing Districts.

Ms. Darlene Green of Maser Consulting provided an overview of the MF-1 and MF-2 Zones. Ms. Green explained that Ordinance #1897 was introduced to correct a clerical error as the Schedule of Bulk Requirements for the MF-1 and MF-2 Zones was inadvertently omitted from the previously adopted ordinances regarding these Zones.

Mr. Scandariato explained that the Planning Board’s job in reviewing the Ordinance is to determine if the Ordinance is consistent with the Township Master Plan.

A motion to recommend adoption of Ordinance #1897 as was made by Mr. Lo Iacono and seconded by Mr. Donigian. A roll call of members revealed 10 aye votes by Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Grewal, Mr. Lo Iacono, Mr. Olear, Mr. Pallotta, Mr. Van Duren, Ms. Jankowski and Ms. Galow.

3. **Review of Proposed Ordinance #1900** – “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.”(Review Carried from April 6, 2020)

Ms. Darlene Green of Maser Consulting provided an overview of the Ordinance #1900. Ms. Green explained that this Ordinance pertains to the Crossroads Site. Ms. Green provided a history of the Ordinances regarding this Site, explaining the latest changes in more detail. Ms. Green explained that the repealer clause had been removed.

There was discussion confirming that if this Ordinance was adopted, any development at this Site would have to abide by the Wellhead Protection requirements.

There was discussion regarding the dispute between the Township and the Crossroads regarding the repealer clause.

Mr. Scandariato reiterated that the Planning Board's responsibility in reviewing the Ordinance is to determine if the Ordinance is consistent with the Township Master Plan and that as is, with the repealer clause removed, the Ordinance is consistent with the Township Master Plan.

There was further discussion regarding the possible next steps for the Township Council and the Crossroads' Settlement Agreement.

Ms. Galow stated that she felt the Ordinance was not consistent with the Master Plan. There was also discussion of Conditional Uses and associated regulations. Ms. Green reiterated that fueling stations were a part of the Settlement Agreement but that if this Ordinance were adopted, the Wellhead Protection Ordinance requirements would have to be met.

A motion to recommend adoption of Ordinance #1900 was made by Mr. Donigian and seconded by Mr. Olear. A roll call of members revealed 9 aye votes by Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Grewal, Mr. Lo Iacono, Mr. Olear, Mr. Pallotta, Mr. Van Duren and Ms. Jankowski with 1 nay vote by Ms. Galow.

4. **Review of Proposed Ordinance #1904** – “An Ordinance Amending Ordinance No. 1868 and Chapter 24 of the code of the Township of Mahwah, regarding the standards and criteria applicable to the Mixed Use Development 1 Overlay (MUD-1) District.”

Ms. Darlene Green of Maser Consulting provided an overview of the Ordinance #1904. Ms. Green explained that the purpose of the Ordinance is to make minor revisions to select bulk standards to reduce the development and clarify the term parking deck.

A motion to recommend adoption of Ordinance #1904 was made by Mr. Olear and seconded by Mr. Donigian. A roll call of members revealed 9 aye votes by Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Grewal, Mr. Lo Iacono, Mr. Olear, Mr. Pallotta, Mr. Van Duren and Ms. Galow. Ms. Jankowski abstained from the vote.

B) **OLD BUSINESS:**

- 1) Mr. Crean stated that he had received notice regarding the Financial Disclosure Statement that each Board Member needs to complete by April 30, 2020. Mr. Crean explained that fines could be levied if the statements are not complete. Mr. Crean suggested that Ms. Coviello, the Township Clerk would be able to help anyone with questions regarding receipt of the letter or completion of the Statement.

C) **COMMITTEE REPORTS:** None

VIII. ADJOURNMENT:

A motion to adjourn the meeting at 8:42 p.m. was made by Ms. Galow and seconded by Mr. Van Duren. All voted in favor.

Township of Mahwah
Planning Board Minutes
April 20, 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.