

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR /WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, APRIL 26, 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 7:31 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. 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 at 7:34 p.m.
Mr. Ervin
Ms. Galow
Ms. Jankowski
Mr. Lo Iacono
Mr. Olear
Mr. Pallotta

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

The following individuals were absent:

Mr. Goldstein
Mr. Grewal

III. APPROVAL OF BILLS:

Colliers Engineering & Design	3/8/21	Meeting Attendance	\$200.00
Colliers Engineering & Design	3/22/21	Meeting Attendance	\$200.00
Peter Scandariato	3/8/21	Meeting Attendance	\$250.00
Peter Scandariato	3/22/21	Meeting Attendance	\$250.00
Phillips Nizer	Feb 2021	General & Litigation	\$346.50
Phillips Nizer	March 2021	General & Litigation	\$1,138.50

A motion to approve the above bills was made by Mr. Lo Iacono and seconded by Mr. Pallotta. A roll call of members present revealed 8 aye votes by Mayor Wysocki, Mr. Crean, Mr. Ervin, Mr. Lo Iacono, Mr. Olear, Mr. Pallotta, Ms. Jankowski and Ms. Galow.

IV. APPROVAL OF MINUTES:

1. March 8, 2021

A motion to approve the above minutes was made by Mr. Olear and seconded by Mr. Pallotta. A roll call of members present revealed 9 aye votes by Mayor Wysocki, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Lo Iacono, Mr. Olear, Mr. Pallotta, Ms. Jankowski and Ms. Galow.

2. March 22, 2021

A motion to approve the above minutes was made by Mr. Donigian and seconded by Mr. Olear. A roll call of members present revealed 7 aye votes by Mayor Wysocki, Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Lo Iacono, Mr. Olear, and Ms. Galow. Ms. Jankowski did not vote as she lost her Zoom connection.

V. RESOLUTIONS FOR MEMORIALIZATION:

1. **Docket #618 – Bolla Operating NJ Corp.**

131 State Highway Route 17, Block 26, Lot 5

Preliminary and Final Amended Site Plan Application, Amended Signage, Resolution of Approval

A motion to adopt the above resolution was made by Mr. Olear 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. Goldstein, Mr. Lo Iacono, Mr. Olear, and Ms. Galow. Ms. Jankowski did not vote as she lost her Zoom connection.

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:

1. **Docket #621 – Fyke Brook Estates, LLC**

1 Fyke Road, Block 21, Lots 21, 22, 23

Preliminary and Final Site Plan Application, Soil Movement Permit Application, Movement of Soil Exceeds 1,000 cubic yards, to demolish all existing structures on the

property and to construct a 40-unit residential development consisting of eight buildings and associated improvements.

1. Docket #621 – Fyke Brook Estates, LLC

1 Fyke Road, Block 21, Lots 21, 22, 23

Preliminary and Final Site Plan Application, Soil Movement Permit Application, Movement of Soil Exceeds 1,000 cubic yards, to demolish all existing structures on the property and to construct a 40-unit residential development consisting of eight buildings and associated improvements.

Mr. Whitaker of McDonnell & Whitaker at 245 E Main Street, Ramsey, NJ approached and stated that he was representing the Applicant. Mr. Whitaker explained that the Applicant is the contract purchaser with the intention to demolish all existing structures and build a rental development complex of 32 residential and 8 Affordable Housing units.

Mr. Scandariato indicated that notice for the Public Hearing was in order.

Mr. Whitaker presented an overview of the application, emphasizing that the density proposed is less than what is permitted. He also indicated that the variances identified in Ms. Lawlor's report of April 15, 2021 would not be sought because the Applicant would make the necessary changes to eliminate the need for these variances and for the waiver conditions identified in Mr. Kelly's report of April 21, 2021.

Mr. Whitaker stipulated that:

- All requests made by the Fire Official report would be incorporated into the plan.
- The proposed development would be for rental units.
- The proposed development would meet all Township Ordinance Requirements and UHAC requirements as it pertains to Affordable Housing units.
- Deed restrictions ensure that garages must be used for the storage of vehicles.
- All landscaping items listed in Ms. Lawlor's report of April 15, 2021 will be incorporated into the plan.
- The dumpsters will be masonry closures.
- The proposed development will meet all ADA requirements.
- All other required agency approvals are being sought.

Mr. David Hals of Schwanewede/Hals Engineering at 9 Post Road, Suite M11, Oakland, NJ was sworn in, provided the Board with his qualifications and was accepted as an expert witness in Civil Engineering and Planning. Mr. Hals testified that he was a part of the team that developed the design of the proposed development, that he was familiar with the site, the plans and the other documents submitted for this application.

Mr. Hals displayed Sheet 3 of 18 - Exhibit-A9: Preliminary and Final Site Plan, Block 21, Lots 21, 22, 23 - Fyke Brook Estates - dated July 31, 2020, last revised February 9, 2021 which was a colored rendering of the survey. Mr. Hals provided orientation of the site and described the existing conditions of the property. Mr. Hals reviewed the history of the property. He discussed the dedication of portions of Fyke Road as well as the Right of Way associated with Fyke Road. Mr. Hals discussed the utilities that run along Fyke Road.

Mr. Hals indicated that there are environmental constraints with the property and that the Fyke Brook is a regulated stream with a flood hazard area which he pointed out in the survey. Mr. Hals also identified the 150 foot Riparian zone. Mr. Hals discussed the Freshwater Wetlands associated with the Stormwater pond on the property. Mr. Hals indicated that Terms Environmental, an LSRP (Licensed Site Remediation Professional), has been to the site and hired to identify soil and other contaminants. Mr. Hals testified that they have already identified oil tanks that will have to be removed when the single family house use is discontinued. The LSRP has identified areas of the site that need to be remediated due to contamination. Mr. Hals testified that remediation would have to take place after approval of the development and prior to the development of the site. Mr. Whitaker stated that the remediation would be a stipulation of approval. Mr. Hals testified that the Highlands' requirements could be met through a local Highlands Determination Exemption. Mr. Hals reviewed the total disturbed/impervious area.

Mr. Hals displayed a colored landscaping plan submitted as Exhibit - A8 - Sheet 11 of 18 of the submitted Preliminary and Final Site Plan, Block 21, Lots 21, 22, 23 - Fyke Brook Estates - dated July 31, 2020, last revised February 9, 2021. Mr. Hals described the various types of units and the location of the Affordable Housing Units. He indicated that all Township Bulk Requirements would be met. Mr. Hals reviewed the proposed traffic flow pointing out that vehicles could only exit to Seminary Drive. Mr. Hals reviewed the parking requirements; vehicle turning requirements and the proposed trips per day for Fyke Road.

Mr. Hals reviewed the proposed plan to meet the Stormwater Management requirements discussing run-off collection, and the use of the detention pond and seepage pits. Mr. Hals testified that the development would not increase the run-off into Fyke Brook.

Mr. Hals reviewed the proposed Sewer and Sanitary Plan, indicating that the modifications from Mr. Kelly's report of April 21, 2021 would be incorporated. Mr. Hals testified that the maintenance of all streets, the sanitary/sewer system and storm drainage would be the responsibility of the owner or property management company.

Mr. Hals discussed the proposed location of utilities, water and trash enclosures. Mr. Hals indicated that the trash enclosure next to Building Six would be moved.

Mr. Hals described the tree removal required and the proposed replacement plan. He discussed the location and type of the fencing that would be used.

Mr. Hals testified about the retaining walls within the proposed development indicating that some would be removed and others would be modified to meet the Township requirements.

Mr. Hals testified that no signs were being proposed.

Mr. Hals discussed the cubic yards of material that would need to be moved as part of the soil operations and stated that the Soil Movement Permit Application amounts would be updated.

Mr. Hals gave an overview of the lighting that would be provided indicating that the Applicant would accept any modifications or changes after six months if needed.

Mr. Hals discussed the ITE trip manual estimates regarding the proposed development.

There was discussion regarding the other approvals that were being sought from other agencies.

Mr. Hals reviewed the detailed changes that would be made to the plans and testified to the remaining items Number 15 through 24 on Mr. Kelly's report of April 21, 2021. Mr. Hals repeated that they were making the changes required so that no waivers would be required except to provide a 500 foot drainage map. Mr. Hals explained that the surrounding newer developments already have maps filed within the Township so it would be redundant work. Mr. Kelly stated that he would not be opposed to the Board granting such a waiver.

Mr. Kelly asked that Mr. Hals provide the documents related to the Fyke Road vacations, dedications, easements and right of way delineations. Mr. Kelly indicated that he would work with the Applicant to clearly identify how Fyke Road will be classified based on the RSIS definitions.

After further discussion regarding the placement of trash locations, Mr. Hals indicated that he would explore locations away from the bordering residential properties.

Mr. Kelly stated that his office was still completing the details of the proposed Stormwater Management, but indicated that the proposed methods were acceptable. The Applicant confirmed that the Township would not be responsible for the maintenance of the Detention Basin. Mr. Kelly asked for additional information on proposed lighting and stated that he would forward landscaping suggestions to the Applicant. Mr. Kelly stated that analysis of the existing pump station on Seminary Drive would be required to determine if it would need upgrades to support additional volume.

Mr. Kelly asked for additional water supply calculations, truck turning plan, and adequate site distance documentation.

Mr. Hals discussed the proposed snow removal plan, indicating that parking spaces would not be used.

There was additional conversation about environmental issues. Mr. Hals gave a summary of what has already been done with the LSRP and agreed to provide Mr. Kelly with the Phase I investigation and the LSRP report of required remediation.

Mr. Kelly asked the client to give a summary table of the cut/fill amounts.

Ms. Lawlor indicated that she would work with the Applicant on the landscaping and lighting items identified in her report of April 15, 2021. Ms. Lawlor suggested that the Affordable Housing items listed within item Number 16 of her report be included as conditions of approval. Mr. Whitaker indicated that the Applicant would comply with all the conditions.

There was additional discussion about how the air conditioning units, patio and decks are displayed on the plans. Mr. Hals provided additional breakdown of the proposed parking spaces.

There was additional discussion about whether improvements were needed for Fyke Road. Mr. Hals indicated the existing road meets RSIS standards. Mr. Kelly asked the Applicant to provide documentation that could be further reviewed.

There was further discussion regarding the pump station and the process needed to determine what improvements would be required and whether possible corresponding monetary contributions would be needed.

Mayor Wysocki discussed concerns regarding the flow of traffic exiting the development on to Seminary Drive.

Mr. Donigian asked if an additional Traffic Study would be provided. Mr. Whitaker explained that traffic would have been considered when the zoning was created and that because the proposed development will meet the Zoning Requirements, additional traffic consideration would not be required.

Mr. Donigian asked about previous environmental studies that indicated contamination was present. Mr. Whitaker indicated that they would do some research to determine if there was an open case number for the property and what previous environmental issues may have been identified.

There was additional discussion regarding the landscaping plan in the buffer between the proposed development and the bordering residential property.

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

Mr. Vincent Priolo of 111 Seminary Drive lives on an adjacent property. Mr. Priolo introduced himself to the Board explaining that his video was not working. It was clarified that questions only could be taken and that video would be required if Mr. Priolo wanted to provide testimony. Mr. Priolo asked if the trash enclosures could be moved so that they were internal to the development. Mr. Priolo asked about how utilities would come into the development. Mr. Hals indicated that new lines within the development site would be underground and that it is the determination of the utility company as to how the lines are run leading into the development. Mr. Priolo and Mr. Hals discussed the proposed location of the fence and an anticipated development time of over one year. Mr. Priolo asked if there were common areas. Mr. Hals indicated that the individual units had decks or patios. Mr. Priolo voiced concerns about the flow of exit traffic onto Seminary Drive.

Mr. Paul Borovskis of 10 Manor Road asked about the pond and how it will flow into the Fyke Brook. Mr. Hals explained the detailed changes and summarized that there would be less stormwater run-off to Fyke Brook. Mr. Borovskis asked about tree removal behind Building 7 and Mr. Hals provided the detailed plan for this area.

Mr. Vincent Priolo of 111 Seminary Drive stated that an environmental report was completed in 2005.

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

Mr. Matthew Evans, AIA of Evans Architect at 470 Chamberlain Ave in Paterson, NJ provided his credentials and was accepted by the Board as an expert architect witness.

Mr. Evans displayed Exhibit A11: Architectural Rendering of a proposed building that was not dated and reviewed the proposed exterior design of the buildings. Mr. Evans testified that the design would meet all the requirements for this zone.

Mr. Evans displayed Exhibit A4: Architectural Plans by Evans Architects, dated September 9, 2020, consisting of 11 pages, showing the proposed floor plans for the units. Mr. Evans reviewed various sheets of the plans showing the different unit configurations. Mr. Evans indicated where specific Affordable Housing unit requirements were being met. In response to Ms. Lawlor's question, there was discussion regarding the window wells that provide egress.

Mr. Whitaker clarified that the management office would be located in the space identified as a storage unit on the plans.

There was discussion about providing laundry in each unit as a condition of approval.

There was discussion about the various building heights between the units. Mr. Kelly asked that the break in the roof lines be more clearly depicted on the plans.

Mayor Wysocki asked if the units would have fire sprinklers. Mr. Evans testified that sprinklers were required for the Affordable Housing units but not for the residential units. Mr. Evans testified that the Applicant would meet all fire requirements. Mayor Wysocki stressed the importance of having sprinklers due to the far distance from the fire stations.

A motion to open the meeting to the public was made by Mr. Pallotta and seconded by Ms. Galow. All voted in favor.

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

Mr. Whitaker concluded the presentation of the application. The Public Hearing was carried to the May 24, 2021 Planning Board Meeting. Mr. Whitaker asked that the record reflect that the Applicant was providing an extension of time for a decision until May 25, 2021.

VIII. WORK SESSION:

A) NEW BUSINESS:

1. Review of Town Council Resolution #176-21 – “Authorizing and directing the Planning Board of the Township of Mahwah to undertake a Preliminary Investigation to determine whether (1) Certain real property within the Township of Mahwah qualifies as a Non-Condemnation Area in Need of Redevelopment and (2) Certain real property within the Township of Mahwah qualifies as a Condemnation Area in Need of Redevelopment.”

There was discussion about whether this business should be carried to the next meeting due to the late hour. Ms. Lawlor briefly reviewed the additional work which was to be done in this study. Councilman May encouraged the Board to move forward with the Planner’s contract so that the investigation could begin. Due to the lateness of the hour and remaining questions regarding the business, the Board carried the review to the May 10, 2021 Planning Board Meeting.

B) OLD BUSINESS: None

C) COMMITTEE REPORTS: None

IX. ADJOURNMENT:

A motion to adjourn the meeting at 10:38 p.m. was made by Mr. Lo Iacono and seconded by Mr. Donigian. All voted in favor.

These minutes were prepared by Mary Jo Wood, Planning Board Secretary. The minutes were provided to the Planning Board on May 6, 2021 for approval at the Regular Meeting to be held on May 10, 2021.