

**TOWNSHIP OF MAHWAH
SPECIAL COUNCIL MEETING AGENDA
TUESDAY, JANUARY 31, 2023**

**Lunch Room Third Floor
Richard J. Martel Municipal Center
475 Corporate Drive, Mahwah, New Jersey**

6:00PM

COUNCIL PRESIDENT'S STATEMENT

SALUTE TO THE FLAG

MOMENT OF SILENCE

- **Veterans and Those Serving in the Military**

**ROLL CALL: _____ Ariemma; _____ Bolan; _____ Donigian; _____ Ferguson; _____ May;
_____ Paz; _____ Wong**

PUBLIC PORTION

- Prior to speaking, each Speaker shall provide their Name and Address. However, if you are a Township resident who has been verified by the Office of Information Privacy as a covered person under Daniel's Law, do not provide your address.
- Mahwah Residents shall speak first
- In this Public Portion, Speakers may speak about any topic
- Speaker must direct questions or comments to the Council President
- There will be no back and forth dialogue between the Speaker and Representatives on the dais
- When the Speaker is finished with statement or questions, the Council will respond as appropriate
- Each Speaker shall be limited to 3 minutes, when 3 minutes expires, Council will move on to the next Speaker
- This Public Portion shall be a maximum of 30 minutes
- Speakers may only speak once during each Public Portion

CLOSED SESSION

C1. Settlement Agreement; Fyke Road

RESOLUTION

**#091-23 Closed Session Resolution
#092-23 Settlement Agreement; Fyke Road**

ADJOURNMENT

THIS AGENDA IS SUBJECT TO CHANGE.

RESOLUTION

TOWNSHIP OF MAHWAH
475 CORPORATE DRIVE
MAHWAH, NJ 07430

RESOLUTION #091-23
DATE: JANUARY 31, 2023

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Donigian						
Ferguson						
Paz						
Wong						
May						

RESOLUTION AUTHORIZING A CLOSED EXECUTIVE SESSION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MAHWAH

WHEREAS, meetings of the Mahwah Township Council are subject to the requirements of the Open Public Meeting Act N.J.S.A. 10:4-6 et seq. (“OPMA”); and

WHEREAS, the OPMA provides that a public body may exclude the public from a portion of a meeting during which the public body discusses items enumerated by N.J.S.A. 10:4-12b, which items are recognized by the OPMA as requiring confidentiality; and

WHEREAS, it is necessary and appropriate for the Township Council to discuss certain matters in a meeting not open to the public in accordance with N.J.S.A. 10:4-12b.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

1. The Township Council shall hold a closed meeting from which the public shall be excluded on January 31, 2023.
2. The general nature of the subjects to be discussed at said closed meeting shall be as follows:
 - a. Pursuant to N.J.S.A. 10:4-12(b)(7), matters falling within the attorney-client privilege relating to:
 - i. Settlement Agreement; Fyke Road
3. The minutes of said closed meeting shall be made available for disclosure to the public when the items that are subject of the closed session discussion are resolved and a reason for confidentiality no longer exists, in accordance with the OPMA.

I hereby certify that this resolution consisting of one page, was adopted at a meeting of the Township Council of the Township of Mahwah, on the 31st day of January 2023.

Carolyn George, RMC
Municipal Deputy Clerk

David May
Council President

**RESOLUTION
TOWNSHIP OF MAHWAH
P.O. Box 733
MAHWAH, NJ 07430**

Resolution #092-23

Date: January 31, 2023

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma						
Bolan						
Donigian						
Ferguson						
Paz						
Wong						
May						

RESOLUTION AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT BETWEEN THE TOWNSHIP OF MAHWAH, RIO VISTA MAHWAH HOMEOWNERS' ASSOCIATION, INC., DARLINGTON VILLAGE CONDOMINIUM ASSOCIATION, INC., AND FYKE BROOK ESTATES, LLC IN CONNECTION WITH DEVELOPMENT OF THE PROPERTY LOCATED AT 1 FYKE ROAD (BLOCK 21, LOTS 21, 22 AND 23)

WHEREAS, there exists within the Township of Mahwah property located at 1 Fyke Road, which property is designated as Block 21, Lots 21, 22 and 23 on the Tax Map of the Township of Mahwah (the "Property"); and

WHEREAS, Fyke Brook Estates, LLC (the "Developer"), seeks to develop the Property, which is identified in the Township's 2019 Housing Element and Fair Share Plan ("HEFSP") for multi-family use with an affordable housing component; and

WHEREAS, Rio Vista Mahwah Homeowners Association, LLC and Darlington Village Condominium Association, Inc. (the "HOA") are located within the Rio Vista Mahwah community and have objected to the certain aspects of the Developer's project under a multi-family housing ordinance; and

WHEREAS, the parties have negotiated an agreement to amicably modify the development project through a settlement agreement that supports the Township's HEFSP and affordable housing, provides for input from parties, and resolves various pending litigation; and

WHEREAS, the Mayor and Township Council have determined that authorizing the settlement is in the best interest of the Township.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Mahwah, County of Bergen, State of New Jersey, as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute the Municipal Actions Settlement Agreement attached hereto and incorporated herein.
2. The Agreement is subject to final non-substantive changes by the Township Attorney and Township Business Administrator.
3. All subsequent Township action, including but not limited to adoption of ordinances, will be subject to notice, public hearings and formal consideration by the Township Council.

I hereby certify that this resolution consisting of two (2) page(s), was adopted at a meeting of the Township Council of the Township of Mahwah on the 31st day of January, 2023.

Carolyn George
Deputy Municipal Clerk

David May
Council President