

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR /WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, FEBRUARY 13, 2023, 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 at the Municipal Building, 475 Corporate Drive, Mahwah, NJ was called to order at 7:30 p.m. by the Planning Board Chairman, 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 Wysocki
Mr. Crean
Ms. Galow
Mr. Goldstein
Mr. Grewal
Ms. Jankowski
Mr. Olear
Mr. Montroy
Councilman Wong

Professionals: Mark D. Madaio, Esq., Michael J. Kelly, P.E., Darlene Green, P.P.

The following individuals were absent:

Mr. Ervin
Mr. LoIacono

III. APPROVAL OF BILLS:

Collier's Engineering & Design	12/5/2022	Meeting Attendance	\$200.00
Collier's Engineering & Design	12/2022	General Services	\$382.50
Mark D. Madaio, Esq	1/9/23	Meeting Attendance	\$250.00
Mark D. Madaio, Esq	1/2023	General and Litigation	\$2,821.50

A motion to approve all the above bills together was made by Mr. Montroy and seconded by Ms. Jankowski. A roll call of members revealed 9 aye votes by Mayor Wysocki, Mr. Crean, Mr. Goldstein, Mr. Grewal, Mr. Montroy, Mr. Olear, Mr. Wong, Ms. Jankowski and Ms. Galow.

IV. APPROVAL OF MINUTES:

1. November 8, 2021

A motion to approve the above minutes was made by Ms. Jankowski and seconded by Mr. Montroy. A roll call of members revealed 6 aye votes by Mayor Wysocki, Mr. Crean, Mr. Montroy, Mr. Olear, Ms. Jankowski and Ms. Galow.

2. December 20, 2021

A motion to approve the above minutes was made by Ms. Jankowski and seconded by Ms. Galow. A roll call of members revealed 6 aye votes by Mayor Wysocki, Mr. Crean, Mr. Grewal, Mr. Montroy, Ms. Jankowski and Ms. Galow.

3. January 10, 2022 Reorg. Meeting

and

4. January 10, 2022 Reg. Meeting

A motion to approve both the reorganization and regular meeting minutes from January 10, 2022, was made by Ms. Jankowski and seconded by Mr. Montroy. A roll call of members revealed 8 aye votes by Mayor Wysocki, Mr. Crean, Mr. Goldstein, Mr. Grewal, Mr. Olear, Mr. Montroy, Ms. Jankowski and Ms. Galow. Mr. Wong abstained.

V. RESOLUTION FOR MEMORIALIZATION:

1. Resolution Amending the 2022 Contract of the Planning Board Attorney,
Mark D. Madaio, Esq.

A motion to adopt the above resolution was made by Mr. Montroy and seconded by Ms. Galow. A roll call of members present revealed 9 aye votes by Mayor Wysocki, Mr. Crean, Mr. Goldstein, Mr. Grewal, Mr. Montroy, Mr. Olear, Mr. Wong, Ms. Jankowski and Ms. Galow.

VII. OPEN TO THE PUBLIC – 15 MINUTES:

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

Mr. John Lamb of Beattie Padovano, LLC located at 50 Chestnut Ridge Rd, Suite 208, Montvale, NJ, addressed the Board representing the Rio Vista Mahwah Homeowners Association Inc. and the Darlington Village Condominium Association Inc. Mr. Lamb

explained that his comments were regarding the Master Plan consistency review that was on the agenda as a Work Session item for Ordinance No. 2002. Mr. Lamb indicated that his clients support Ordinance No. 2002 and that a settlement agreement regarding this property was signed that day.

Mr. Lamb discussed the density within the proposed ordinance and the surrounding zones. Mr. Lamb gave an overview of the changes to the zoning requirements since the last proposed ordinance regarding this property. Mr. Lamb highlighted the changes that had been previously recommended by the Planning Board during prior ordinance reviews regarding this property. Mr. Lamb reiterated his support of Ordinance No. 2002.

Mr. Whitaker of McDonnell & Whitaker at 245 E Main Street, Ramsey, NJ addressed the Board, stating that he was representing the Fyke Brook Estates, LLC. Mr. Whitaker stated that his client also supported Ordinance No. 2002. Mr. Whitaker discussed the amount of time and planning that it has taken to come to the agreed upon requirements contained within Ordinance 2002.

A motion to close the meeting to the public was made by Ms. Jankowski and seconded by Mr. Montroy. All voted in favor.

VIII. PUBLIC HEARINGS:

1. Docket #624 – Crossroads Developers Associates, LLC and Garden Crossroads, LLC (“Applicant”) 1 International Boulevard, Block 26, Lot 2 and Block 183, Lot 1 (including Block 26, Lots 10 and 11)
Preliminary and Final Site Plan and Soil Movement Permit Applications for the proposed construction of a 470,000 square-foot industrial warehouse facility.

Mr. Crean read the January 26, 2023 letter from Ms. Kathryn J. Razin of Wells, Jaworski & Liebman, LLP into the record and the above application was adjourned until the August 14, 2023 Planning Board Meeting.

2. Docket #629 – Ramsey Auto Group, Inc.
608 N. Central Avenue, Block 140, Lots 2, 3
Preliminary and Final Major Site Plan; Minor Subdivision (Lot Merger)
Soil Movement Permit Applications (Soil Movement > 1,000 Cubic yards)

Ms. Jennifer M. Berardo, Esq of Wells, Jaworski & Liebman, LLP at 12 Route 17 North, Paramus, New Jersey 07653 addressed the Board stating that she was representing the Applicant. Ms. Berardo gave an overview of the property while describing how the lots in both Mahwah and Ramsey work together for the Applicant. Ms. Berardo explained that this merged use of the properties are why the proposed merger of lots and approval for the reconstruction of the building is requested.

Mr. Frank Minervini of Ramsey Auto Group, Inc at 436 Route 17 South, Ramsey, NJ was

sworn in and accepted as an expert operations witness regarding Ramsey Auto Group, Inc. Mr. Minervini testified that as the director of Operations he is responsible for everything from day-to-day operations and maintenance to planning for projects such as this. Mr. Minervini gave a history of the property and the building use. He stated that the proposed building will be used to store maintenance vehicles, that no employees would work in the building on a daily basis and that there were no set hours of operation. Mr. Minervini testified that they would expect to wash the maintenance vehicles at this location so an oil separator would be proposed.

In response to Mr. Mike Kelly's questioning, Mr. Minervini confirmed that:

- No vehicle maintenance would be done on site.
- No salt or chemicals would be stored.
- There would not be outdoor storage of materials.
- Designated parking would include electric vehicle charging station(s).

After discussion, it was clarified that this was a Preliminary and Final Site Plan application and that it would include electric vehicle charging spaces. Mr. Minervini testified further regarding the location of the electric charging parking spaces and access between the lots.

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

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

Mr. Tibor Latincsics, P.E., of Conklin Associates at 29 Church Street, Ramsey, NJ 07446 was sworn in. Mr. Latincsics provided his credentials and was accepted by the Board as an expert witness in the field of Engineering.

Mr. Latincsics displayed Exhibit A-2 which was a colorized version of the submitted survey dated October 23, 2019, last revised November 22, 2022. Mr. Latincsics gave an overview of the lots in question and the surrounding area, noting topographic elements such as the Masonicus Brook.

Mr. Latincsics discussed Exhibit A-3, the NJDEP flood hazard area verification letter of October 14, 2022 regarding the site. He also presented Exhibit A-4 which was a NJDEP letter of February 6, 2023 regarding the Letter of Interpretation for the site.

Mr. Latincsics displayed Exhibit A-1, the submitted site plan dated March 22, 2022, last revised January 20, 2023. Mr. Latincsics reviewed the lot parking. He also displayed Exhibit A-6, which included photos of the existing buildings and conditions. Mr. Latincsics explained that an environmental cleanup effort had taken place and that any existing issues were remediated.

Mr. Latincsics described the proposed reconstruction of the building on Lot 3, displaying Exhibit A-5 which included renderings of the proposed building, that were submitted with

the application.

Mr. Latincics stated that applications were submitted with the Bergen County Planning and Engineering Department and the Bergen County Soil Conservation District.

Mr. Latincics reviewed the zoning requirements, along with the requested waivers and variances as listed on Exhibit A-1. (The submitted site plan dated March 22, 2022, last revised January 20, 2023) and in Mr. Kelly's February 7, 2023 report. Mr. Latincics pointed out that the rear of the building is on the existing lot line which is one of the reasons for the requested deed merger of Lots 2 and 3. Mr. Latincics testified that the site plan's front yard setback would be corrected on the zoning table. Mr. Latincics stated that the impervious coverage was being reduced and that impervious pavement would be used.

Mr. Latincics testimony indicated that no dumpster would be used and that all items in Mr. Kelly's February 7, 2023 report would be addressed. Mr. Latincics reviewed the Soil Movement Permit Application and the amounts of materials that would be moved. Mr. Kelly noted that the movement quantity would exceed 1,000 cubic yards. Ms. Berardo confirmed that the applicant noticed for the public hearing for the Soil Movement Permit Application.

Mr. Latincics testified that the proposed application met the requirement for granting of the C-2 variances.

Mr. Kelly asked for additional information regarding lighting plans, updated drainage calculations and an operational manual for drainage on site. Mr. Kelly asked that the Applicant have the Ramsey Fire Department review the application as they could be the first to respond in an emergency. The Applicant agreed to make a contribution to the Township's sidewalk fund in lieu of providing sidewalks.

In response to questioning from Ms. Darlene Green, the Applicant agreed to correct all discrepancies noted in Mr. Dickerson's report of February 6, 2023.

Mr. Wong asked about the proposed parking and the fire access at the south side of the building. Mr. Kelly indicated that he would follow up with Mr. Mike Roe, the Township Fire Official. Mr. Kelly asked the Board if they would be comfortable with the elimination of three (3) parking spaces at the southwest corner of the site, if this was requested by the Fire Official. The Board indicated that they would be fine with either scenario. Mr. Latincics indicated that he would submit the plan to the Ramsey Fire Department.

In response to Ms. Galow's request for more information, Mr. Minervini gave additional testimony regarding the cleanup from an oil tank and provided Exhibit A-8 which was correspondence from Applied Service Corp. dated October 3, 2022 in regards to the Response Action Outcome at this site.

Exhibit A-7, the Borough of Ramsey resolution regarding this proposed application was submitted. Mr. Madaio questioned the available parking because this resolution documents

that the parking spaces on Lot 2 were dedicated to the parking requirements on Lot 1. There was lengthy discussion regarding the parking clarifying that only 10-13 parking spaces were being proposed with this application.

There was discussion regarding how the limited parking would be handled if ownership changed. Mr. Kelly explained that this would be managed and monitored through the Tenant Application process.

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

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

Ms. Berardo summarized the application and asked for the Board's approval.

A motion to conditionally approve the application was made by Mr. Olear and seconded by Mr. Montroy. A roll call of members revealed 9 aye votes by Mayor Wysocki, Mr. Crean, Mr. Goldstein, Mr. Grewal, Mr. Montroy, Mr. Olear, Mr. Wong, Ms. Jankowski and Ms. Galow.

[Please note that the Chairman switched the order of the meeting so that chronologically, the review of Work Session Review of Ordinance No. 2002 took place before the Public Hearing on the 2023 Master Plan Amendment.]

3. Review of the 2023 Land Use Element Amendment and Housing Element & Fair Share Plan Amendment as an Amendment to the Mahwah Township Master Plan.

Ms. Darlene Green, the Township's Municipal Planner, presented the 2023 Land Use Element Amendment and Housing Element and Fair Share Plan Amendment prepared by her and dated January 30, 2023.

Ms. Green discussed the recent activity related to the Affordable Housing Settlement Agreement and the impact this has had on the other related Township settlement agreements. Ms. Green explained that these proposed Master Plan Amendments have to do with the alternate location (457 Ridge Road, Block 139, Lot 41) proposed in the November 10, 2022 Settlement Agreement with Crossroads Developers Associates and Garden Crossroads, LLC (hereinafter "Crossroads"). Ms. Green continued to review the background information and details of the proposed amendments provided in the January 30, 2023 report.

Ms. Green testified that this location was appropriate for multi-family housing as it was adjacent to other inclusionary multi-family developments.

Ms. Green suggested that the Planning Board adopt this Master Plan Amendment summarizing the recommendations listed on page five (5) of the January 30, 2023 report.

Mr. Madaio summarized the process of the Master Plan Amendment and the anticipated subsequent Ordinance review that would probably be given to the Board regarding this site.

In response to Mr. Olear's concern regarding traffic, Mr. Kelly suggested a request to the County regarding the implementation of a new traffic light at the intersection of Ridge Rd and Darlington Ave.

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

A motion to adopt the 2023 Land Use Element Amendment and Housing Element & Fair Share Plan Amendment as an Amendment to the Mahwah Township Master Plan was made by Ms. Jankowski and seconded by Mr. Montroy. A roll call of members revealed 9 aye votes by Mayor Wysocki, Mr. Crean, Mr. Goldstein, Mr. Grewal, Mr. Montroy, Mr. Olear, Mr. Wong, Ms. Jankowski, and Ms. Galow.

IX. WORK SESSION:

[Please note that the Chairman switched the order of the meeting so that chronologically, the review of Work Session Review of Ordinance No. 2002 took place before the Public Hearing on the 2023 Master Plan Amendment.]

A) NEW BUSINESS:

1. Master Plan Consistency Review of Ordinance 2002 - AN ORDINANCE OF THE TOWNSHIP OF MAHWAH, AMENDING AND SUPPLEMENTING CHAPTER 24, ENTITLED "ZONING", SECTION 24-4.27, ENTITLED "(RESERVED)", OF THE LAND DEVELOPMENT CODE TO ESTABLISH A NEW MULT-FAMILY 1 HOUSING DISTRICT AND TO SET FORTH THE STANDARDS AND CRITERIA APPLICABLE THERETO

Mr. Wong was recused from this review and left the dais.

Ms. Darlene Green, was sworn in and recognized as the Township's Municipal Planner. Ms. Green presented Ordinance No. 2002, explaining that the Planning Board's task is to complete a Master Plan consistency review. This review is to determine if the ordinance is either substantially consistent or is designed to effectuate the Land Use Plan Element or the Housing Plan Elements. Ms. Green testified that this property at 1 Fyke Road is listed as one of the mechanisms to within the Housing Plan.

Mr. Grewal was recused from this review and left the dais.

Mr. Madaio referred the Board Members to the distributed red-lined copy of Ordinance 2002 and the copy of the settlement agreement of February 13, 2023 between Rio Vista Mahwah Homeowners Association, Inc., and Darling Village Condominium Association, Inc., the Township of Mahwah, and Fyke Brook Estates, LLC.

Ms. Green continued her testimony outlining the newly agreed upon zoning elements within the February 13, 2023 settlement agreement. Ms. Green described how these changes would affect how this property would be used as a mechanism to meet the Housing Plan requirements. Ms. Green testified that Ordinance 2002 is designed to effectuate the 2019 Fair Share Plan.

Ms. Green stated that this property is recommended as a new zone for multi-family housing within the Land Use Plan amended in 2020,

Ms. Green testified that Ordinance 2002 is designed to effectuate the goals and objectives of both the Land Use Plan Element and the Housing Plan Elements of the Township Master Plan.

There was discussion about how this property was originally deemed appropriate for multi-family housing.

Ms. Green suggested that the Board find that Ordinance 2002 is designed to effectuate the goals and objectives of both the Land Use Plan Element or the Housing Plan Elements of the Township Master Plan. She also suggested that the Board recommend the following modifications to the Ordinance.

1. Modification to page 4, item 3, so that the buffer is “not less than” 25 ft.
2. Modification to page 4, item 3, to insert a period “.” after the word feasible.

A motion to find Ordinance 2002 to be designed to effectuate the 2019 Housing Element & Fair Share Plan and the 2020 amended Land Use Element, with the above recommendations, was made by Ms. Jankowski and seconded by Mr. Montroy. A roll call of members revealed 7 aye votes by Mayor Wysocki, Mr. Crean, Mr. Goldstein, Mr. Olear, Mr. Montroy, Ms. Jankowski and Ms. Galow. Mr. Grewal and Mr. Wong were recused.

Mr. Grewal and Mr. Wong returned to the dais for the remainder of the meeting.

- B) OLD BUSINESS: Discussion on the Planning Board bylaws postponed to the February 27, 2023 meeting.
- C) COMMITTEE REPORTS: None

X. ADJOURNMENT:

A motion to adjourn the meeting at 9:42 p.m. was made by Mr. Olear and seconded by Mr. Grewal. All voted in favor.

These minutes were prepared by Mary Jo Wood, Planning Board Secretary. The minutes were provided to the Planning Board on February 23, 2023 for approval at the Regular Meeting to be held February 27, 2023.