

**TOWNSHIP OF MAHWAH PLANNING BOARD  
REGULAR /WORK SESSION MEETING MINUTES  
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.  
MONDAY, MAY 24, 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 7:30 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  
Mr. Ervin  
Ms. Galow  
Mr. Goldstein at 7:31 p.m.  
Mr. Grewal  
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:

Ms. Jankowski

**III. APPROVAL OF BILLS: None to Present**

**IV. APPROVAL OF MINUTES:**

1. May 10, 2021

A motion to approve the above minutes was made by Mr. Lo Iacono and seconded by Mr.

Donigian. A roll call of members present revealed 7 aye votes by Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Goldstein, Mr. Grewal, Mr. Lo Iacono and Ms. Galow.

**V. RESOLUTIONS FOR MEMORIALIZATION:**

**1. Docket #622 – Tesla Inc.**

280 Route 17 South, Block 136, Lot 5.02  
Amended Site Plan Application – Electric Vehicle Charging Station,  
Resolution of Approval

A motion to adopt the above resolution was made by Mr. Donigian and seconded by Mr. Goldstein. A roll call of members present revealed 7 aye votes by Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Goldstein, Mr. Grewal, Mr. Lo Iacono and Ms. Galow.

**VI. OPEN TO THE PUBLIC – 15 MINUTES:**

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

**VII. PUBLIC HEARINGS:**

Mr. Grewal recused himself from the Public Hearings for both Docket #568A2- TWJ Mahwah Real Estate LLC and Docket #619 – RPF Realty LLC.

**1. Docket #568A2 – TWJ Mahwah Real Estate LLC.**

64 Ramapo Valley Rd, Block 40, Lots 25, 57  
Amended Site Plan Application, Installation of Paver Patio and Awning

Mr. Whitaker of McDonnell & Whitaker at 245 E Main Street, Ramsey, NJ approached and stated that he was representing the Applicant. Mr. Whitaker gave an overview of the Application for an outdoor patio, an awning, and a seasonal entryway covering. Mr. Whitaker discussed the existing conditions. He explained that the Applicant was not seeking to increase the 50 (fifty) seats currently permitted, but that the outdoor seats would be swapped with indoor seats. Mr. Whitaker explained that the Zoning Permit was denied by the Administrative Officer because it didn't meet side yard setback and lot coverage Zoning Requirements. Mr. Whitaker discussed the variances that were being requested.

Mr. George Jamieson of 2 Devine Drive in Mahwah was sworn in and addressed the Board as the Owner and Proprietor of the establishment. Mr. Jamieson provided his expertise as an expert restaurateur with over forty years of experience. Mr. Jamieson explained that the proposed temporary walls were intended for the winter only to provide an entryway and covering that would also help minimize cold air flowing into the restaurant. Mr. Jamieson testified that when Outdoor Dining was possible, there could be 16 outdoor seats with 26-36 indoor seats, providing a maximum of 50 seats.

There was discussion regarding the entry and exit doorways and flow of patron movement.

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

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

Mr. John Musinski of JMA Architects at 215 Mahwah Road in Mahwah was sworn in and provided his qualifications as an expert in the field of Architecture. Mr. Musinski gave testimony regarding both the temporary plexiglass walls and the awning. Mr. Musinski testified that the temporary entryway created by the plexiglass walls would be ADA compliant.

Mr. Musinski displayed the submitted "As-Built Site Plan" dated July 22, 2019 and revised September 29, 2020.

Mr. Kelly stated that the testimony given addressed the questions in his May 3, 2021 report regarding the drainage.

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.

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

**2. Docket #619 – RPF Realty LLC.**

209 Ramapo Valley Rd, Block 132, Lot 4

Amended Site Plan Application, Addition of Outdoor Dining Patio

Mr. Whitaker of McDonnell & Whitaker at 245 E Main Street, Ramsey, NJ approached and stated that he was representing the Applicant. Mr. Whitaker gave an overview of the Application for an outdoor patio and awning. Mr. Whitaker explained that the Applicant was not seeking to increase the seats currently permitted, but that the outdoor seats would be swapped with indoor seats. Mr. Whitaker reviewed the prior approvals regarding seating and parking.

Mr. Frank Gashi of 209 Ramapo Valley Rd. in Mahwah was sworn in and addressed the Board as the Managing Member of RPF Realty, LLC. The Preliminary and Final Site Plan dated April 12, 2021 and revised May 13, 2021 was displayed. Mr. Gashi testified that 457 seats were previously permitted by the fire code. Mr. Gashi estimated that he currently has seating

for approximately 330 patrons. Mr. Gashi explained that they currently have Board approval for 16 Outdoor Dining Seats and that the proposed patio would provide for an additional 50 seats outdoor. Mr. Gashi testified that the total number of seats being served would not change as indoor seats would be swapped for outdoor seats, because there was a limited capacity for the kitchen. Mr. Gashi discussed the customer desire for continued Outdoor Dining. Mr. Gashi indicated that there are 122 parking spaces on site in addition to the valet parking. Mr. Gashi indicated that there would be no change to the operation of parking or valet parking.

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

Mr. Adnan A. Khan, PE., CME of AWZ Engineering, Inc., 150 River Road. Suite B3, Montville, PA, was sworn in and provided his qualifications as an expert in the field of Engineering. Mr. Khan provided testimony displayed and reviewing the Preliminary and Final Site Plan sheets dated April 12, 2021. Mr. Khan reviewed the existing conditions, the zoning table, the proposed changes in circulation, valet parking, curbing, and drainage improvements. Mr. Khan showed the area where the valet parking would be expanded.

Mr. Khan displayed the submitted renderings titled "Proposed Patio Plan" dated April 8, 2021, and reviewed the materials that would be used in the renovation.

Mr. Kahn testified that the proposed patio would create an additional 50 seats of outdoor seating.

Mr. Kelly suggested that the requested and approved number of seats be placed on record. Mr. Whitaker specified that the Applicant was not seeking to increase the 385 permitted seats that has been previously approved.

The existing parking was discussed and both Mr. Gashi and Mr. Kelly indicated that no problems have been reported with the existing parking. Ms. Lawlor questioned the size of the stacked valet parking and further discussion indicated that the area would be permitted without the parking spaces being striped.

There was discussion regarding the flow of traffic for valet and self parking. Mr. Whitaker indicated that no additional signage was proposed.

Mr. Whitaker indicated that Mr. Roe, the Township Fire Prevention Official, had accepted the updated Site plans that included the previously requested fire lanes.

A motion to open the meeting to the public was made by Mr. Donigian 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.

Donigian and seconded by Mr. Olear. All voted in favor.

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

3. **Docket #621 – Fyke Brook Estates, LLC \*(The Public Hearing continued from the April 26, 2021 Planning Board meeting was carried to the June 14, 2021 Planning Board Meeting.)**

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

**VIII. WORK SESSION:**

A) NEW BUSINESS:

1. There was discussion about when the Board meetings would resume in-person. Mayor Wysocki indicated that it was being discussed and that he would provide information as soon as it was available.
2. Ms. Wood discussed the Financial Disclosure documents that were distributed with the meeting materials.

B) OLD BUSINESS:

1. Mr. Crean asked about the status of a Township Marijuana Ordinance and there was discussion about the required timing of such an ordinance.

C) COMMITTEE REPORTS:

1. Mr. Donigian reported that he did reach out to the Ramsey Planning Board secretary and hoped to meet with representatives from the Ramsey Planning Board.

**IX. ADJOURNMENT:**

A motion to adjourn the meeting at 8:53 p.m. was made by Mr. Donigian and seconded by Mr. Pallotta. All voted in favor.

These minutes were prepared by Mary Jo Wood, Planning Board Secretary. The minutes were provided to the Planning Board on June 23, 2021 for approval at the Regular Meeting to be held on June 28, 2021.