

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR /WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, JUNE 14, 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:

Mr. Crean
Mr. Donigian
Mr. Ervin
Mr. Grewal
Ms. Jankowski
Mr. Olear
Mr. Pallotta

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

The following individuals were absent:

Mayor Wysocki
Ms. Galow
Mr. Goldstein
Mr. Lo Iacono

III. APPROVAL OF BILLS: None to Present

Peter Scandariato	4/26/21	Meeting Attendance	\$250.00
-------------------	---------	--------------------	----------

A motion to approve the above bill was made by Mr. Ervin and seconded by Mr. Olear. A roll call of members present revealed 7 aye votes by Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Grewal, Mr. Olear, Mr. Pallotta and Ms. Jankowski.

IV. APPROVAL OF MINUTES: None to Present

V. RESOLUTIONS FOR MEMORIALIZATION:

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

A motion to adopt the above resolution was made by Mr. Donigian and seconded by Mr. Pallotta. A roll call of members present revealed 5 aye votes by Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Olear and Mr. Pallotta.

2. Docket #619 – RPF Realty LLC.

209 Ramapo Valley Rd, Block 132, Lot 4

Amended Site Plan Application, Addition of Outdoor Dining Patio

A motion to adopt the above resolution was made by Mr. Pallotta and seconded by Mr. Olear. A roll call of members present revealed 5 aye votes by Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Olear, and Mr. Pallotta.

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. Olear. 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 asked if he could be heard regarding the Public Hearing for Docket #621 – Fyke Brooks Estate, LLC. There was lengthy discussion regarding the adjournment of the Public Hearing and when it would be continued. Mr. Crean read a letter from Mr. Bruce Whitaker, the attorney for Fyke Brook Estates, dated June 3, 2021. The letter requested the adjournment of the Public Hearing to the June 28, 2021 Planning Board Meeting. Mr. Lamb stated that he attended the May 24, 2021, Planning Board meeting in order to put on the record that he did not acknowledge that the Applicant's Public Notice was sufficient. After further discussion, Mr. Lamb and Mr. Scandariato agreed to discuss the scheduling matter further with Mr. Whitaker.

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:

- 1. 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

Mr. Crean read the letter from Mr. Whitaker dated June 3, 2021 requesting the adjournment of the Public Hearing to the June 28, 2021 Planning Board Meeting.

VIII. WORK SESSION:

A) NEW BUSINESS:

1. Docket #625 – Brew Land LLC

219 Ramapo Valley Road, Block 132, Lot 3.01

Amended Site Plan, Installation of Outdoor Pavilion

Ms. Jennifer Knarich of Price, Meese, Shulman & D'Arminio, PC at 50 Tice Boulevard, Suite 3, in Woodcliff Lake, NJ addressed the Board explaining that she was representing the Applicant in the above Amended Site Plan Application, proposing the installation of a thirty (30) foot by seventy (70) foot outdoor pavilion. Ms. Knarich gave an overview of the property and existing conditions. Ms. Knarich explained that the Applicant currently has 299 indoor seats and is proposing to remove 67 indoor seats and 60 seats that can be used indoor or in the proposed outdoor pavilion, with new net total of 292 seats.

Mr. Brian Brooker of Brooker Engineering, PLLC at 74 Lafayette Avenue, Suite 501, Suffern, NY was sworn in, provided his credentials and was accepted by the Board as an expert witness in Engineering and Land Surveying. Mr. Brooker explained that the Applicant was proposing to install a Pole Building Pavilion with open walls and a roof. Mr. Brooker displayed the previously submitted Amended Site Plan dated April 1, 2021. Mr. Brooker testified that the permanent pavilion would be located where the temporary tent has been providing outdoor seating during the covid pandemic. Mr. Brooker explained that 12 parking spaces would be eliminated. Mr. Brooker testified that the outdoor pavilion would be operational from the middle of March to the middle of November depending on weather. Mr. Brooker explained that when outdoor seating would be used, the Applicant would decrease the number of indoor seats so that they would meet the parking space requirements.

Mr. Brooker testified that deliveries would be made during off hours, that no restrooms would be provided outside; that a host would be located outdoors to seat patrons in the pavilion; that a barrier would be used to protect the seating area from the parking drive; that the dining area will be lit internally within the pavilion with no external lighting; that current lighting would meet other needs and that no additional signage or landscaping was being proposed.

In response to questions from the Board, Mr. Brooker indicated that an architectural plan was being created and that the roof would be a conventionally shingled roof.

In response to Mr. Kelly's question Mr. Brooker indicated that the height of the building is approximately 10 feet.

There was discussion regarding how the seating would be monitored. Mr. Kaplin testified that they were limited by the number of parking spots.

Mr. Ira Kaplin of 219 Ramapo Valley Road was sworn in and accepted as a witness as the owner and operator of the Mason Jar Restaurant. Mr. Kaplin attested that all his prior statements were valid and indicated that the business hours would not change. Mr. Kaplin explained that the hours have been changed with covid restrictions but that they would operate in compliance with any and all laws. Mr. Kaplin indicated that they would continue to use portable heaters and fans as needed in the outdoor space. Mr. Kaplin testified that a County representative visited the site and discussed the noise regulations. Mr. Kaplin testified that they would use decibel readers to comply with the noise regulations, indicating that a level of 65 decibels was allowed until 10 pm and afterwards 50 decibels are permitted. Mr. Kaplin explained that band location changes would be explored in order to control where the noise is directed.

In response to Ms. Lawlor's question, Mr. Kaplin discussed plans to provide a small bar outdoors that would not include seating. There was further discussion regarding patrons who might be standing for live entertainment. Mr. Kaplin indicated that the number of patrons would be limited to the available parking.

There was discussion regarding the indoor seating requirements. Mr. Kaplin testified that they would adhere to all rules and regulations that are in place.

Mr. Crean read a portion of the Township's Outdoor Dining Ordinance that states that the Township can limit hours of outdoor dining and live performances. Mr. Kaplin explained that the Applicant had an "All Premise Consumption Service" license that allows patrons to eat or drink anywhere on the property. Mr. Crean read the application review from Police Chief Jaffe that rejected the outdoor entertainment due to noise complaints. Mr. Kaplin testified that they plan to comply with all the regulations and rules in the County or Township.

Mr. Brooker indicated that the changes requested by Mr. Roe in the Fire Prevention review date May 28, 2021, will be included in the updated plans.

Mr. Donigian suggested that the Applicant move the pavilion further north, away from the hotel. Mr. Brooker testified that this would be explored.

There was additional discussion about how to decrease the sound. The Applicant agreed that approval would be subject to a six month review period to determine if the Applicant has been in compliance with the noise rules and regulations and that the Applicant would return to the Planning Board if noise complaints have been made.

Mr. Kaplin indicated that bands will provide their own lighting and that the entertainment may be indoor or outdoor as they currently have. Mr. Kaplin explained that he intends to use a temporary band structure for the band that could be inside or outside the pavilion area.

There was additional discussion about the placement of the pavilion that would be blocked off by a barrier.

Mr. Kaplin discussed the current entertainment schedule and explained that it might be indoor or outdoor, weather permitting.

Mr. Kelly indicated that his office would review the updated plan for compliance. Mr. Kelly discussed that the Township's Noise Ordinance is outdated and being reviewed. The Board's Professionals indicated that the Township uses the State Noise Ordinance which limits noise at the property line, to 65 decibels from 7:00 a.m. to 10:00 p.m. and 50 decibels from 10:00 p.m. to 7:00 a.m.

A motion to conditionally approve the above application was made by Mr. Donigian and seconded by Mr. Grewal. A roll call of members present revealed 6 aye votes by Mr. Crean, Mr. Donigian, Mr. Ervin, Mr. Grewal, Mr. Pallotta and Ms. Jankowski. Although Mr. Olear was present for the hearing, his connection dropped from the webinar at the time of the vote.

B) OLD BUSINESS:

C) COMMITTEE REPORTS:

1. Mr. Donigian reported that he was looking forward to hearing from the Ramsey Planning Board secretary and scheduling a meeting.

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.

Mr. Crean indicated that the Township and most likely this Board would be working towards returning to live meetings in September of 2021.

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.