

**TOWNSHIP OF MAHWAH PLANNING BOARD
REGULAR /WORK SESSION MEETING MINUTES
MUNICIPAL BUILDING, 475 CORPORATE DRIVE, MAHWAH, N.J.
MONDAY, JULY 24, 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 Vice Chairman, Mr. Lo Iacono. 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.

Roll Call:

The following individuals were present:

Mr. Ervin
Ms. Galow
Mr. Goldstein
Mr. Grewal
Ms. Jankowski
Mr. Lo Iacono
Mr. Montroy
Mr. Olear
Councilman Wong

Professionals: Mark D. Madaio, Esq., Michael J. Kelly, P.E.(attended remotely via Zoom with both audio and video), Nicholas Dickerson, P.P.

The following individuals were absent:

Mayor Wysocki
Mr. Crean

Mr. Lo Iacono read the July 19, 2023 letter from Mr. James Jaworski, acknowledging and granting the request to adjourn the Public Hearing for Docket #645 Crossroads Developers Associates LLC and Garden Crossroads LLC dba Crossroads Logistics Center until the August 14, 2023 meeting.

II. APPROVAL OF BILLS:

Collier's Engineering & Design	6/12/23	Meeting Attendance	\$200.00
Collier's Engineering & Design	6/26/23	Meeting Attendance	\$200.00

Mark D. Madaio, Esq	6/12/23	Meeting Attendance	\$250.00
Mark D. Madaio, Esq	6/26/23	Meeting Attendance	\$250.00
Mark D. Madaio, Esq	6/2023	General and Litigation	\$915.00

A motion to approve the above bills was made by Mr. Ervin and seconded by Mr. Olear. A roll call of members revealed 9 aye votes by Mr. Ervin, Mr. Goldstein, Mr. Grewal, Mr. Lo Iacono, Mr. Montroy, Mr. Olear, Mr. Wong, Ms. Jankowski and Ms. Galow.

III. APPROVAL OF MINUTES:

1. June 26, 2023

A motion to approve the above minutes was made by Mr. Olear and seconded by Ms. Jankowski. A roll call of members revealed 8 aye votes by Mr. Ervin, Mr. Grewal, Mr. Lo Iacono, Mr. Montroy, Mr. Olear, Mr. Wong, Ms. Jankowski and Ms. Galow.

IV. RESOLUTIONS FOR MEMORIALIZATION:

1. **TA-23-0022 – Walgreen Eastern Co., Inc.,**
 1000 Macarthur Boulevard, Block 135.01, Lot 65,
 Tenant Application

A motion to adopt the above resolution was made by Mr. Ervin and seconded by Mr. Montroy. A roll call of members revealed 6 aye votes by Mr. Ervin, Mr. Lo Iacono, Mr. Montroy, Mr. Wong, Ms. Jankowski and Ms. Galow.

2. **Master Plan Consistency Review of Ordinance No. 2011** – An Ordinance of the Township of Mahwah, Amending and Supplementing Chapter 22, Entitled “Site Plan Review”, Section 22-6.2, Entitled “Off-Street Parking”, and Section 22-6.3, Entitled “Off-Street Loading”, and Amending and Supplementing Chapter 24, Entitled “Zoning”, Attachment 4, Attachment 5, and Section 24-5.6, Entitled “Buffer Zone and General Landscaping Requirements” to Modify Certain Requirements Related to Warehouse and/or Distribution Uses.

A motion to adopt the above resolution was made by Mr. Olear and seconded by Mr. Montroy. A roll call of members revealed 7 aye votes by Mr. Ervin, Mr. Grewal, Mr. Lo Iacono, Mr. Montroy, Mr. Olear, Mr. Wong and Ms. Jankowski.

V. OPEN TO THE PUBLIC – 15 MINUTES:

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

VI. PUBLIC HEARING(S):

1. **Docket #648 – Guido Realty LLC,**
 295 State Highway Route 17, Block 63, Lot 10.01, 10.02,

Preliminary and Final Site Plan,
Soil Movement Permit Application (Soil Movement > 1,000 Cubic yards),
Proposed New Automobile Sales Dealership and Auto Service Facility

Mr. Daniel L. Steinhagen of Beattie Padovano, LLC indicated that he is representing the above Applicant. Mr. Steinhagen gave a brief overview of the proposed Genesis Automobile Dealership, explaining that the new dealership's owners and operators would be the same as the neighboring Hyundai Dealership. Mr. Steinhagen stated that an access road adjoining the two lots was approved (for the Hyundai lot only) by the Planning Board Resolution for Docket 644. Docket 644 was approved on June 12, 2023 and adopted on June 26, 2023.

Mr. Steinhagen submitted Exhibit A-1: Required Notice and Proof of Publication.

Mr. Joe Vince of Schwanewede Hals & Vince located at 111 Littleton Road #200, Parsippany-Troy Hills, NJ, was sworn in, provided his credentials and was accepted as an expert witness in the field of Engineering. Mr. Vince testified that the Applicant would seek relief for all items specified in Mr. Kelly's letter of July 13, 2023.

Mr. Vince displayed Exhibit A-2: A colorized version (with landscaping turned on) of the Site Plan, sheet 3 of 15 sheets, entitled, "Liberty Hyundai & Genesis of Mahwah, Preliminary and Final Site Plan, Block 63, Lots 10.01, 295 Route 17 North, Amended Site Plan, Block 63, Lot 10.02, 305 Route 17 North, Township of Mahwah, Bergen County, NJ.," prepared by Schwanewede, Hals & Vince Engineering, dated March 29, 2023. Mr. Vince explained the relationship between the two lots and indicated that Lot 10.02, where the Hyundai dealership is located was only included in this application in case the Board thought is necessary to treat the adjoining access to that lot as an Amended Site Plan. Mr. Vince clarified that no improvements would be made to lot 10.02 as part of this application.

Mr. Vince displayed Exhibit A-3: Survey (sheet 2 of 15) within the previously submitted Preliminary and Final Site Plan set, and provided an overview of the existing conditions.

Referring again to the submitted Site Plan, Mr. Vince provided an overview of the proposed building, the showroom and building, as well as the lighting plan.

Mr. Vince discussed the size of the parking spaces, explaining the difference between spaces that would be used for customer parking (9' x 18') and storage spaces (8'/16' and 8'/18') where vehicles may be stacked in storage. Mr. Vince testified that all parking of storage vehicles would be done by employees.

Mr. Vince explained that 12 to 15 employees would be onsite with some employees working at both dealerships.

Mr. Vince displayed the Truck Circulation Plan, (sheet 9 of 15 within the previously submitted Preliminary and Final Site Plan set) and discussed the traffic and truck

circulation on the site. Mr. Vince testified that car carriers and fire trucks would have room to be on site. Mr. Vince explained that the goal was to eliminate car carrier deliveries to the dealership, utilizing the owner's Industrial Ave location for this purpose.

Mr. Vince also testified that:

- A "light" Service Area is proposed, as most service is done in another location.
- No loading dock was proposed so a waiver was requested.
- Valet and "vehicle jockeys" would transport the cars through the service area.
- Snow removal will be handled on site.
- The existing billboard would remain "as is" as there are ongoing contracts in place.

Mr. Vince reviewed the signage plan (sheet 8 of 15 within the previously submitted Preliminary and Final Site Plan set) and testified that all signs were conforming to Township requirements.

There was considerable discussion regarding the proposed retaining walls, guardrails and curbing. Mr. Vince noted areas where a 7-foot retaining wall was proposed in order to provide the required curbing. He discussed the space constrictions due to the depth of the property and protected wetlands area. Mr. Vince explained that they used buffering averaging to satisfy the buffering requirements.

Mr. Vince discussed the impervious asphalt that would be used in various areas, explaining that the appropriate maintenance manuals and reports to the Township would be provided.

Mr. Vince reviewed the Proposed Lighting (sheet 6 of 15 within the previously submitted Preliminary and Final Site Plan set). He stated that the Applicant proposed to exceed the permitted amount of light around the access road between the lots while not meeting the requirement amount of light at the street intersection. He also described the backlight shield that would prevent light from spilling to the adjoining residential lots. Lighting was proposed to be on from dawn to dusk.

Mr. Vince reviewed the landscaping plan. There was a lengthy discussion regarding the Environmental Commission's comments on the tree removal and replacement. Mr. Vince testified that they would work with Mr. Kelly and the Environmental Commission to look for opportunities to plant more native trees and if needed, perhaps replacing some of the proposed arborvitaes with the required trees.

Mr. Vince reviewed the Soil Movement Permit Application and quantities of soil to be moved, noting that the total soil to be moved exceeded the 1,000 cubic yard threshold so a Public Hearing was required.

Mr. Vince testified that the Applicant would provide the fire lanes requested by Mr. Roe, the Township Fire Prevention Official.

Mr. Vince reviewed the other State and County approvals which were being sought.

Mr. Vince provided his credentials as a licensed Planner and was accepted by the Board as an expert in the field of Planning. Mr. Vince testified regarding the constraints of the property and that there was no substantial detriment to the proposed application and that the variances requested were of an insignificant amount.

In response to Mr. Ervin's question, Mr. Vince testified that there is plenty of room for the car carrier to pull onsite and not park on Route 17.

Mr. Kelly requested a condition of approval that no loading or off-loading occur on Route 17. Mr. Vince agreed to this stipulation.

Mr. Kelly questioned the 500-foot drainage map information and Mr. Vince clarified what information was provided. Mr. Kelly accepted the submission after further discussion.

Mr. Vince specified that a Tree Removal Plan would be provided. There was further discussion about the type of trees to be planted. The Applicant accepted a condition of approval that the required plantings would be met or the Applicant would seek a waiver from the requirement at a later date.

Upon Mr. Kelly's request, Mr. Vince agreed to seek opportunities to decrease lighting on the road joining the dealerships and increase the lighting at the entrance from Route 17.

Mr. Dickerson discussed parking during large sales and noted that all other comments in his letter of June 30, 2023 had been addressed.

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

Ms. Jill Lieber-Cox of 182 Island Road addressed the Board to state that:

- The lighting from the Hyundai dealership gives a "stadium effect" on her property. Mr. Madaio suggested that Ms. Lieber-Cox contact Mr. Kelly regarding this observation.
- Her concern is that there will be an increase in run-off as a result of this development. Mr. Vince explained in length that it is a requirement to decrease the run-off.
- The cars on the Hyundai lot are visible from her property.

Ms. Michele Malinowski of 174 Island Road expressed concerns about the trees that appear to be leaning on the Hyundai lot. Mr. Madaio explained that this could be addressed with Mr. Kelly.

There was additional conversation regarding the fencing that borders the adjoining residential lots, the vegetation that is to be left in the buffer and the evergreens which are to be planted by the Applicant. These were depicted on the submitted landscaping plan within the previously defined Preliminary and Final Site Plan.

Mr. Max Pavon of 208 Highland Road approached the Board questioning the composition of the retaining walls. Mr. Vince described the concrete composition of the walls. There was further conversation regarding the composition of the pervious asphalt to be used in the parking locations.

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

Mr. Scott F. Lurie of Scott F. Lurie, Architect at 645 Lots Avenue in Oradell, NJ was sworn in, qualified and accepted by the Board as expert in the area of Architecture.

Mr. Lurie gave a brief overview of the building's proposed architectural features. Mr. Lurie indicated that this building would be a "High-End" building consistent with the other dealerships in the area with glass fronts. He testified that the height would be conforming and provided a description of the interior layout and operational processes proposed within the building.

A motion to open the meeting to the public was made by Mr. Ervin 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 Mr. Ervin and seconded by Mr. Grewal.

Mr. Steinhagen indicated that he had no more witnesses.

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

Mr. Max Pavon of 208 Highland Road approached the Board expressing his thoughts and observations on the value of open space, encouraging the use of energy and resources to protect and create more open public space.

A motion to close the meeting to the public was made by Mr. Ervin and seconded by Mr. Olear.

Mr. Steinhagen summarized the proposed applications and exceptions sought.

The following conditions of approval were cited:

- Compliance with Township's Electric Vehicle Charging requirements.
- Six-month review of lighting by the Township Engineer.
- The Applicant will work with the Environmental Commission regarding the

removal and replacements of trees. The Applicant will meet the requirements or seek to obtain a waiver from the Governing Body.

- Loading and unloading on State Highway Route 17 will be prohibited.
- The Applicant will meet all lighting requirements as defined by the Township Engineer.
- A cross access agreement would not be needed at this time but was recommended if a property was sold.

A motion to approve the proposed Preliminary and Final Site Plan and the Soil Movement Permit Application was made by Mr. Olear and seconded by Ms. Jankowski. A roll call of members revealed 9 aye votes by Mr. Ervin, Mr. Goldstein, Mr. Grewal, Mr. Lo Iacono, Mr. Montroy, Mr. Olear, Mr. Wong, Ms. Jankowski and Ms. Galow.

VII. WORK SESSION:

- A) NEW BUSINESS: There was a brief discussion regarding the attendance at upcoming meetings.
- B) OLD BUSINESS: None to Present
- C) COMMITTEE REPORTS: None to Present

VIII. ADJOURNMENT:

A motion to adjourn the meeting at 9:20 p.m. was made by Ms. Jankowski and seconded by Mr. Grewal. All voted in favor.

These minutes were prepared by Mary Jo Wood, Planning Board Recording Secretary. The minutes were provided to the Planning Board on August 10, 2023 for approval at the Regular

Meeting to be held on August 14, 2023.