

PASSAIC COUNTY PLANNING BOARD
Minutes of a Regular Meeting
Thursday, August 23, 2018
930 Riverview Drive, Suite 250, Totowa, NJ 07512

Chairman Gervens opened the meeting at 5:02 PM and read the notice that the requirements of the Open Public Meeting Act had been met. He then proceeded to the roll call.

MEMBERS PRESENT: William Gervens, Chairman; Vice Chairman Kenneth Simpson; County Engineer Jonathan Pera; Miguel Diaz; Stephen Martinique; Joseph Metzler; Nakima Redmon

OTHERS PRESENT: John Abdelhadi, Planning Board Counsel; Michael La Place, Planning Director; Jason Miranda, Senior Planner

MINUTES: The minutes of the August 9th, 2018 meeting were read. There being no additions, corrections or deletions and upon motion being made by Commissioner Metzler and seconded by Commissioner Diaz, the minutes as noted above are officially adopted. Commissioners Martinique and Redmon abstained from voting.

PLANNING DIRECTOR'S REPORT: Planning Director Michael La Place reported on the following initiatives:

- Assistant Planner Jason Miranda has been promoted to the position of Senior Planner, which was last held by Jason Simmons.
- The Department has been providing research assistance to Engineering in regards to the recent Peckman River flooding damage in Little Falls.
- The park plan for the Paterson Great Falls Vistas site is now on the County website.
- The County has applied to the New Jersey Department of Transportation for TAP grant funding for the Highlands Rail Trail.

PUBLIC PORTION: Commissioner Martinique made a motion to open the meeting to the public which was seconded by Commissioner Diaz. The motion passed unanimously.

Thomas DeVita, an attorney, testified in regards to the Allwood Investment Co. (SP-18-033) application. Mr. DeVita stated that the application is for a change in occupancy and use of a single building on the site, which was previously occupied by a nightclub, is currently vacant, and is proposed to be occupied by offices. Mr. DeVita stated that the Board's comments place a hardship on his client's attempt to re-occupy the space and requested that the Board consider expediting the review given the scope of the site plan. Commissioner Metzler questioned whether the applicant has submitted plans addressing the Board's comments. Staff provided that plans have been received, but have yet to be reviewed for completeness. County Engineer Pera stated that revised plans addressing the Board's comments must be reviewed by County staff to determine whether any improvements are needed at the site.

Gerald Zecker, of 55 McCosh Road in Clifton, testified in regards to the same application (SP-18-033). Mr. Zecker, a representative of the applicant, stated that the comments present a hardship. Mr. Zecker also testified that he had visited the site after recent storms and that there were no visible issues concerning stormwater runoff.

Seeing no one else present, Commissioner Martinique made a motion to close the public portion that was seconded by Commissioner Diaz. The motion passed unanimously.

DEVELOPMENT REVIEW

SP-17-030 – Peykar Family Properties – 150 Totowa Road, Wayne

Staff explained that this is an amended site plan application in which the Board previously approved the construction of a 418,750 sq. ft. warehouse and office in place of an existing 177,993 sq. ft. warehouse. The property has frontage along Totowa Road in Wayne, which is designated as a Scenic & Historic Byway in the Passaic County Master Plan, and is located directly across from Preakness Valley Park and the Dey Mansion. The application was previously granted an unconditional approval on April 18th, 2018.

The applicant has now proposed to reduce the size of the warehouse to 418,670 sq. ft. Also, the applicant has proposed additional parking spaces; the addition of security features on the westerly side of the property; a berm on the southerly side of the building; trash compactors and a generator on the westerly side of the building; the rerouting of sanitary sewer and water service around the southerly side of the building; and minor grading revisions on the southeasterly portion of the site. The applicant has proposed 439 on-site parking spaces, an increase from the previously approved 224 spaces. Of those spaces, 105 are proposed as an alternative layout for prospective tenants that require additional parking and fewer trailer parking spaces. The previously approved plans included 70 trailer parking spaces; that number would be reduced to 53 in the alternative layout. The site, as previously approved, will have two driveways along the Totowa Road frontage. In addition to an existing shared driveway (with the adjacent Pioneer Academy) along the easterly property line, a new driveway will be constructed along the westerly property line in place of a smaller existing driveway. An existing driveway located towards the center of the property will be removed. The site will also have access to the west via Corporate Drive, which connects to Riverview Drive in Totowa. The site is sloped away from the County roadway; drainage will flow towards the Naachpunkt Brook at the rear of the site. The applicant has proposed shade trees and landscaping along the Totowa Road frontage of the site per the previous approval.

There are conditions that must be satisfied before the application can be granted unconditional approval. The revised traffic study does not account for a level of traffic consistent with the proposed number of parking spaces. The study should be revised to account for the site's traffic impact if the maximum amount of office space, based on the maximum number of parking spaces to be provided, is utilized. Additional comments may be provided in response to a revised study.

Jerome Vogel, the applicant's attorney, was in attendance. Mr. Vogel testified that the owner of the site has procured a tenant that cannot yet be disclosed, but that the tenant requires the additional parking for the office component of the development.

Commissioner Metzler asked if there would be any additional stormwater runoff from the site. Mr. Vogel stated that there may be additional runoff due to the increased size of the parking lot.

County Engineer Pera made a motion to **withhold** approval of the site plan application. Commissioner Metzler seconded that motion. The motion passed unanimously.

SP-16-010 – Levco Associates – 1020 Paterson-Hamburg Turnpike, Wayne

This is a previously withheld site plan application in which the applicant has proposed to modify an existing building at the Wayne Hills Shopping Center. The building will be divided into three (3) separate retail spaces, with the total floor area decreasing from 103,800 sq. ft. to 90,248 sq. ft. No changes are proposed for the other three (3) buildings on the site. The site has frontage along both Paterson-Hamburg Turnpike and Berdan Avenue. The application was withheld by the Planning Board on July 12th with 9 conditions.

The site will have three driveways along Berdan Avenue. Egress at the northerly driveway will be restricted to right turns only. The southerly driveway will be physically restricted to right-in turns only. The applicant has proposed to install a signal at the middle driveway, which will provide a right-out and two left-out turning lanes in addition to a single, unrestricted, entrance lane. Along Paterson-Hamburg Turnpike, both driveways will be restricted to right-in and right-out turns only. There will be a total of 2,170 parking spaces on the site, a decrease of 88 spaces from the existing configuration. Generally, the site slopes away from Berdan Avenue and towards Paterson-Hamburg Turnpike. Inlets on-site and at the driveways will connect into the County systems along both roadways. Additional on-site inlets, covering the majority of the site, will drain to the rear of the property. The site will have impervious coverage of 80.5%, a decrease of 2,832 sq. ft. from the existing conditions. The applicant has proposed to plant additional shade trees in the area of the modifications. There are also existing shade trees along parts of both frontages of the site.

Staff explained that there are conditions that must be satisfied before the application can be granted unconditional approval. The slope at the westerly Paterson-Hamburg Turnpike driveway still appears to be too flat to drain properly to the existing inlet. The applicant should provide top and bottom of curb elevations along Paterson-Hamburg Turnpike. It may be necessary to provide additional drainage at the driveway. There must be a minimum of 4' between the closest point of any stop bar and the sidewalk or crosswalk. A crosswalk should be installed across the entire width of the Cider Mill one-way driveway. The following comments pertain to the middle Berdan Avenue driveway, including the proposed signal. An agreement must be provided for the ownership and maintenance of the proposed signal by the Township and/or property owner. Green signal time is missing from certain Synchro handouts. The previous comment requesting signal heads should be disregarded. "SIGNAL AHEAD" signs should be installed along Berdan Avenue, one in each direction. The recommended signal timing must be included in the requested signal timing agreement. The applicant must provide the Corridor Enhancement Fee of \$20,935.00 payable to Passaic County.

Jerome Vogel, the applicant's attorney, testified that the applicant has agreed to provide a signal agreement and will submit a draft agreement for County review.

Commissioner Metzler requested more information on the drainage concerns. County Engineer Pera stated that there is a minor concern at the westerly Paterson-Hamburg Turnpike, for which the applicant must provide more information in order for staff to determine if more drainage is needed.

Commissioner Diaz made a motion to grant **conditional approval** to the site plan application. Commissioner Redmon seconded that motion. The motion passed unanimously.

SP-18-025 – Suncrest Service Station – 346 High Mountain Road, North Haledon

Staff explained that this is a previously withheld site plan application in which the applicant has proposed to convert an existing auto service station to a convenience store. Additionally, a canopy will be constructed over the existing gas pumps. The site has frontage along High Mountain Road in North Haledon. The application was withheld by the Planning Board on May 24th with 10 conditions.

The site has two (2) existing access driveways along High Mountain Road: a driveway at the southerly edge of the site, which is shared with Lot 12.01, and a northerly driveway at the corner of High Mountain and Ballentine Drive. The applicant has proposed to reduce the curb cuts of both driveways, restricting the southerly driveway to Lot 12 and placing the northerly driveway solely along Ballentine Drive. There will be additional access along Ballentine Drive at the easterly edge of the site. The site will have a total of nine (9) off-street parking spaces. There is an existing sidewalk along the High Mountain Road frontage of the site. The site is sloped slightly towards High Mountain Road; the applicant has proposed to install a catch basin adjacent to the southerly driveway in order to prevent stormwater runoff into the right-of-way. The applicant has requested a waiver from the requirement to install shade trees along the High Mountain Road frontage, due to the presence of two driveways and the gas station canopy.

There are conditions that must be satisfied before the application can be granted unconditional approval. The address of the owner must be noted on the plans. The names of the applicant and the owner should be consistent with those provided in the Planning Board application. The existing and proposed square footage of impervious surfaces must be noted. Instead of shade trees, shrubs should be planted along the frontage of the site (outside of any sight triangles). Provide the referenced certification letter for truck use of the site. The applicant must provide a 5-year accident history, which can be obtained from the North Haledon Police Department, for the intersection of High Mountain and Ballentine and the High Mountain Road driveway. The applicant must provide the Corridor Enhancement Fee of \$1,917.00 payable to Passaic County.

Jerome Vogel, the applicant’s attorney, testified that the application is scheduled to appear before North Haledon’s Board of Adjustment in the coming weeks. Following that hearing, Mr. Vogel stated that revised plans would be provided to the County.

Commissioner Diaz made a motion to grant **conditional approval** to the site plan application. Commissioner Martinique seconded that motion. The motion passed unanimously.

SP-17-069 – Tastefully British – 163 Union Avenue, Bloomingdale

This is a previously withheld site plan application in which the applicant has proposed to construct a restaurant on an existing parking lot. The restaurant will consist of a primary building, housing a garage and kitchen, a partially enclosed booth for walk-up customer service, and a patio seating area. The site has frontage along Union Avenue in Bloomingdale. The application was withheld by the Planning Board on July 26th with 4 conditions.

The site will have ingress and egress along Union Avenue, with 26 off-street parking spaces. There will be one-way circulation: vehicles will enter the site at the easterly driveway and exit onto Union Avenue at the westerly driveway. The Board previously granted a waiver from the requirement to install sidewalks along the frontage of the site, but the plans still show a proposed sidewalk along Union Avenue. The property is sloped towards Union Avenue. The applicant has proposed to install trench

drains at both driveways in order to prevent any stormwater runoff from entering the County right-of-way. The site has existing connections into the County drainage system. Roof and patio drainage will flow into two proposed seepage pits. The applicant has proposed three (3) Green Vase Zelkova trees along the frontage of the site.

Staff explained that there are conditions that must be satisfied before the application can be granted unconditional approval. The plans must include a detail for the proposed trench drain, which must be consistent with the provided calculations. The sight distance exhibit must show the required AASTHO sight distance (250' to center of travel lane) for the speed limit, and that the sight triangle will remain clear. The 650' sight distance, which is shown on the plans, would intersect with a parking space. The applicant must provide the Corridor Enhancement Fee of \$4,895.00 payable to Passaic County.

Martin Kafafian, the applicant's attorney, was in attendance at the meeting. Mr. Kafafian testified that the conditions would be addressed by the applicant. Commissioner Metzler asked if the trench drains would handle all runoff. County Engineer Pera stated that the submitted trench drain calculations were acceptable, but that the plans must include a trench drain detail and model compatible with the calculations.

Mr. Kafafian and the Board discussed an exchange, between the applicant and the Planning Board, which had occurred at the previous hearing of the application. Planning Board Counsel Abdelhadi clarified to Mr. Kafafian that the Board would motion and vote only in regards to the merits of the application.

Commissioner Metzler made a motion to grant **conditional approval** to the site plan application. Commissioner Diaz seconded that motion. The motion passed unanimously.

SP-18-038 – Bright Beginners Academy IV – 151 Paterson Avenue, Little Falls

Staff explained that this is a previously withheld site plan application in which the applicant has proposed to continue operating a day care facility. The facility is an existing non-conforming use. The applicant has also proposed on-site ADA improvements. The site has frontage along Paterson Avenue in Little Falls, adjacent to the Passaic River. The application was withheld by the Planning Board on July 26th with 11 conditions.

The site will maintain its existing access via a combined driveway along Paterson Avenue, with 19 on-site parking spaces to be provided. The applicant has requested a waiver from the requirement to install a sidewalk along the frontage of the site, due to the lack of sidewalk along all other properties on the westerly side of Paterson Avenue. The applicant has requested a waiver from the requirements to provide a topographical survey and drainage plan, on the basis that there is an observable slope towards the rear of the site.

There are conditions that must be satisfied before the application can be granted unconditional approval. The applicant must provide a topographical survey, signed and sealed by a licensed surveyor. Curbing and sidewalk must be installed along the entire frontage of the site, in accordance with County detail. The sidewalk should be 5' in width. Any existing drainage must be shown on the plans. No stormwater runoff may be allowed to enter the County right-of-way. The centerline must be double yellow striping. The "STOP" sign note should be revised to eliminate the striping language (12" in width, white). Two "NO PARKING ANY TIME" signs must be shown on the plans, with arrows designating the parking prohibition, and a note stating that the signs will only be installed if the Township passes an

ordinance prohibiting parking. The applicant must provide the Corridor Enhancement Fee of \$2,400.00 payable to Passaic County.

Germanico Santana, the applicant, was in attendance at the meeting. Mr. Santana testified that the intent of the application is to expand and improve an existing playground, which will result in the loss of a parking space. Mr. Santana requested a waiver from the condition to construct a sidewalk on the basis that there are no existing sidewalks on the west side of Paterson Avenue in the vicinity of the site. Commissioner Martinique explained that the adjacent properties would also be required to install sidewalks over time if any site plans are proposed.

Mr. Santana stated that the existing curbing does not need to be replaced. County Engineer Pera responded that staff would inspect the curbing to determine if it merits being replaced.

County Engineer Pera explained that the topographical survey will be necessary to determine if there are any drainage impacts to County facilities.

Commissioner Redmon made a motion to **withhold** approval of the site plan application. Commissioner Diaz seconded that motion. The motion passed unanimously.

15-014 – Hamburg 3517 Real Estate – 2000 Paterson-Hamburg Turnpike, Wayne

This is a previously withheld minor subdivision application in which the applicant has proposed to subdivide an existing lot (Block 3517, Lot 46) in order to create two separate lots (46.01 and 46.02). The subdivision will facilitate the proposed construction of one single-family dwelling on each of the new lots. The property has frontage along Paterson-Hamburg Turnpike in Wayne. The application was withheld by the Planning Board on October 29th, 2015 with 5 conditions.

At the applicant's request, staff provided conditions to the applicant upon which an "if and when" agreement (for the installation of sidewalks) will be considered by the Board. See the attached letter outlining those conditions. Both dwellings will have driveways along Paterson-Hamburg Turnpike. The applicant has submitted an "if and when" agreement for review by the County. The agreement is attached. The plans do not show a "flat and level" right-of-way or the replacement of curbing, both of which were previously requested. The site is sloped towards Paterson-Hamburg Turnpike. The applicant has not provided any information regarding drainage of the site. The plans show six (6) red maple fastigiata trees along the site's frontage, outside of the County right-of-way.

Staff explained that there are conditions that must be satisfied before the application can be granted unconditional approval. The right-of-way Master Plan width of 100' should be shown on the plans. The applicant must provide drainage calculations and show drainage on the plans. Following correspondence with County staff, the applicant has proposed an "if and when" agreement for the installation of sidewalks. The agreement has been received by County staff and will require internal review and a Board of Chosen Freeholders resolution before it can be executed on behalf of the County. The agreement should be revised to include a section stating "record and return to: the Office of the County Counsel, 401 Grand Street, Paterson, NJ 07505". In addition to the determination of Wayne Township, the agreement should specify that sidewalks could also be required upon request by Passaic County. The agreement should include a specific period of time during which the sidewalks would be installed and inspected following such a request by the County or Township. As previously requested, the site must be graded flat and level within the Master Plan right-of-way (50' from the centerline) of Paterson-Hamburg

Turnpike and no more than 2% within 20 feet of the right-of-way. The applicant should coordinate with County and Township staff regarding the “if and when” agreement.

Planning Board Counsel Abdelhadi stated that the legal language in the submitted “if and when” agreement would need to be refined and expanded upon, including a clause that the agreement would be tied to the property and not only apply to the current owner. Staff explained that there are past examples of “if and when” sidewalk agreements that could be provided to the applicant. Staff also clarified that the agreement would also need to be reviewed by County Counsel prior to any approval by the Board of Chosen Freeholders.

Vice Chairman Simpson made a motion to **withhold** approval of the site plan application. Commissioner Redmon seconded that motion. The motion passed unanimously.

SP-18-046 – Kinder Kastle – 871-879 Clifton Avenue, Clifton

Staff explained that this is a new site plan application in which the applicant has proposed to construct a 10,874 sq. ft. child day care facility. An existing commercial building and two (2) dwellings on the site will be demolished. The site is located along Clifton Avenue in the Athenia neighborhood of Clifton. All access to the site will be via a full-access driveway along Clifton Avenue. The site will have a total of 21 off-street parking spaces. The parking lot will front Clifton Avenue, with the building to be located towards the rear of the site. The existing sidewalk and curbing along Clifton Avenue will be replaced by the applicant. The site is sloped slightly towards Clifton Avenue. The applicant has proposed to install a trench drain at the driveway in order to prevent stormwater runoff into the right-of-way. Additionally, an inlet will be installed at the northeasterly corner of the site. Weasel Brook, as a boxed culvert, runs underneath the site. Drainage will connect into a subsurface detention system, which will have an overflow connection into Weasel Brook. The applicant has proposed to plant three (3) Okame cherry trees along the Clifton Avenue frontage of the site, outside of the right-of-way. Additionally, five (5) pin oak trees will be planted along Kenyon and Henry Streets.

There are conditions that must be satisfied before the application can be granted unconditional approval. As the site has frontage along two streets in addition to Clifton Avenue, the site access should be provided on either Kenyon or Henry Street. The applicant must justify the proposed amount of parking, as the parking requirement is only based on employee needs and does not account for the pick-up and drop-off of children. The intersection of Clifton Avenue and Van Houten Avenue will be impacted by the proposed facility. An optimized re-timing of the signal, in order to address the increase in traffic congestion at the intersection, should be proposed. The applicant must provide any required NJDEP permits. The owner of the existing Weasel Brook culvert easement must be verified. Approval will be required from the entity responsible for the culvert. The elevation of the weirs must be shown on the outlet control structure detail. All roof drainage, including roof leader connections, must be shown on the plans. The applicant must provide the Corridor Enhancement Fee of \$2,700.00 payable to Passaic County.

Commissioner Martinique made a motion to **withhold** approval of the site plan application. Vice Chairman Simpson seconded that motion. The motion passed unanimously.

SP-18-047 – Proposed Wireless Telecommunications Facility – 413-415 10th Avenue, Paterson

This is a new site plan application in which the applicant has proposed to install a wireless telecommunications facility on the roof of an existing multifamily residential building. No other changes to the building or to the site are proposed. The site has frontage along 10th Avenue on the east side of Paterson. The tops of the building's parapets are 42'-1" in height. The proposed antennas will have maximum heights of: 50'-6" at the southeast corner and 52'-9" at the northwest corner of the roof. The proposed side yard setback to the first antenna along 10th Avenue is 0.4'. RF transparent panels will be provided around the equipment to provide screening.

Staff explained that the Corridor Enhancement Fee of \$250.00 must be received before the application can be granted unconditional approval.

Commissioner Diaz made a motion to grant **conditional approval** of the site plan application. Vice Chairman Simpson seconded that motion. The motion passed unanimously.

OLD BUSINESS – None.

NEW BUSINESS – None.

ADJOURNMENT

Commissioner Diaz made a motion to adjourn the meeting at 6:19 PM that was seconded by Commissioner Martinique.

Respectfully submitted,



Michael Lysicatos for

MICHAEL LA PLACE