

PASSAIC COUNTY PLANNING BOARD
Minutes of a Regular Meeting
Thursday, August 9, 2018
930 Riverview Drive, Suite 250, Totowa, NJ 07512

Chairman Gervens opened the meeting at 5:03 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; Kenneth Simpson, Vice Chairman; County Engineer Jonathan Pera; Miguel Diaz; Joseph Metzler; Freeholder Terry Duffy

OTHERS PRESENT: Planning Board Counsel, Shabbir Q. Shehabuddin (sitting for John Abdelhadi); Michael La Place, Planning Director; Michael Lysicatos, Assistant Planning Director; Jason Miranda, Assistant Planner.

MINUTES: The minutes of July 26th, 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.

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

- The staff is engaged in the planning of the former Vistas site above the Great Falls. A draft plan has been produced and is being hosted on the County's website. Comments will be collected by the State as the landowner and manager of the planning process.
- There will be a presentation on the 2018 Open Space Trust Fund grants next Tuesday night, August 14th, along with a public hearing for all grant applications above \$100,000.00.
- Planning staff has assisted with the logistical planning for the upcoming County Fair.

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

Several members of the public testified in regards to the Clifton Cheder application (SP-16-070) at 1333 Broad Street in Clifton. Beverly Carey, of 142 Chittenden Road in Clifton, requested more information on the traffic study that was submitted to the County. Staff clarified that the traffic study had been submitted with the initial submission at the end of 2016. Ms. Carey stated that the study may be invalid, as the applicant has recently changed the plans and now proposes a single, full-access driveway instead of two one-way driveways. Staff clarified that the plans which were reviewed by the Board on July 26th showed two driveways and that, if any plans are submitted showing a full-access driveway, the revised plans would be brought back to the Board for reconsideration of the previous conditional approval.

Raymond Robitello, of 66 Woodlawn Avenue in Clifton, asked about the development review process following the granting of a conditional approval. Planning Director La Place clarified that conditionally approved plans still require staff review and approval before any County permits can be granted.

Aaron Liechenstein, of 14 Bogert Place in Clifton, asked if the County Planning Board reviews the local zoning board process and testimony. Planning Director La Place clarified that the County's review is mostly focused on traffic and drainage impacts to County facilities. Mr. Liechenstein stated that the traffic counts provided in the study were completed on a day when Montclair State University was not in session, which would have had a significant traffic impact. Mr. Liechenstein expressed a concern that the school would grow beyond the proposed capacity of 300 students once in operation at the site.

Gerald Zecker, of 55 McCosh Road in Clifton, provided from previous experience that Clifton's review of the application will ultimately determine whether the school will be allowed to operate.

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

DEVELOPMENT REVIEW

SP-18-033 – Allwood Investment Co. – 955 Allwood Road, Clifton

Staff explained that this is a new site plan application in which the applicant has proposed to convert an existing restaurant and a night club into office space. There are no exterior changes proposed at the site, which includes a total of four commercial buildings. The changes are proposed to the westernmost building. The site has a total of five driveways, all located along Allwood Road. Two driveways are adjacent to the intersection of Allwood Road and Clifton Avenue; an additional driveway is located at the intersection of Allwood and Richfield Terrace. The applicant has not proposed any changes to the existing driveways. A portion of the front parking lot, adjacent to the westernmost building, is located within the right-of-way of Allwood Road. In 1992, the Board of Chosen Freeholders approved an encroachment permit allowing for use of that portion of the right-of-way for patron parking only. Large portions of the frontage are lacking sidewalk. The applicant has not provided sufficient information regarding grading and drainage. There is existing landscaping, including shade trees, along the easterly portion of the frontage but none along the westerly portion. The applicant has not proposed any additional landscaping, which is actually prohibited within the right-of-way as part of the previously-referenced encroachment permit.

There are conditions that must be satisfied before the application can be granted unconditional approval. The applicant must provide an updated survey, signed and sealed by a licensed surveyor. The survey must include: 1) Contour lines indicating existing grades throughout the site. 2) Existing site drainage system and connections into public drainage systems. 3) Existing utility lines and connections into site. 4) All existing parking and internal driveways. 5) All existing sidewalk and curbing, as well as the curbline on the opposite side of Allwood Road. 6) All site driveways, including any access or turning restrictions, and associated signing and striping. 7) All existing landscaping on the site or along the frontage of Allwood Road. 8) Notation of the existing width of the right-of-way of Allwood Road. If the width varies, all variations in width must be noted in the correct location.

The applicant must also provide a site plan, overlaid on the requested survey, which must include: 1) A key map, showing the entire site development and its relationship to the surrounding area. 2) Notation of the name and address of the applicant and the owner. 3) Notations for all proposed changes to the site. 4) A parking table, including the total number of existing, proposed, and required on-site parking spaces (including requirements for handicapped spaces). 5) A zoning table, which must include the existing, proposed, and required site information. The table must include the zoning district, the lot area, the building coverage, the impervious coverage, and the area of disturbance. All two-way driveways must have centerlines. All one-way driveways must have "DO NOT ENTER" and "ONE WAY" signs. All exit driveways must have "STOP" signs and stop bars. All striping shall be thermoplastic. Shade trees should be provided along the frontage of the site, outside of the sight triangles of any exit driveways. The applicant must provide the Corridor Enhancement Fee of \$13,312.00 payable to Passaic County.

Thomas DeVita, the attorney for the applicant, questioned the requirement for landscaping along Allwood Road, as the previously granted encroachment permit forbid all landscaping within the County

right-of-way. Staff clarified that subsequent Freeholder resolutions and Master Plan amendments have established right-of-way landscaping as a public benefit instead of an encroachment.

Mr. DeVita informed the Board that the applicant is only changing the use of the site and eliminating two liquor licenses and their associated uses, and stated that the submitted items should be sufficient. County Engineer Pera explained that the plans must provide a more complete overview of the existing site conditions in order for staff to review them for conformance with the County's standards.

Frank Mileto, architect and planner for the applicant, stated that there is a drainage culvert, 6' in diameter, which begins behind the property before draining under Allwood Road and out to the Passaic River. Mr. Mileto stated that most of the property drains to the south, towards the rear of the site, although there are no existing maps that would show that topography.

County Engineer Pera stated that the applicant should not submit the plans in a piecemeal fashion, and re-iterated that a topographical survey is needed for staff to review the existing conditions of the site.

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

SP-18-001 – ADB Associates – 415 Paterson-Hamburg Turnpike, Wayne

This is a previously withheld site plan application in which the applicant has proposed to install five loading docks and replace an exit door at an existing industrial facility. The application was withheld by the Planning Board on June 21st with 3 conditions. The applicant has since met with County staff to discuss the previously requested dedications relating to future improvements at the intersections of Paterson-Hamburg Turnpike with Owens Drive and Power Avenue. County staff have determined, upon thorough review of state statutes, that the County cannot legally require the dedications as part of a Planning Board application. There will be a total of 352 off-street parking spaces located on the property, as 16 of the existing spaces are to be removed. The site does not have any access driveways or curb cuts within or adjacent to the County right-of-way. There is an existing sidewalk along the Paterson-Hamburg Turnpike frontage of the site. The site is sloped away from the County right-of-way. There are existing shade trees along the Paterson-Hamburg Turnpike frontage of the site.

Staff explained that the applicant has satisfied all remaining conditions and recommended that the application be granted unconditional approval.

A representative of the applicant was in attendance but did not have any comment.

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

SP-17-007 – N.J. Energy Corporation – 1267 Paterson-Hamburg Turnpike, Wayne

Staff explained that this is a previously withheld site plan application in which the applicant is seeking to construct a 2,500 sq. ft. convenience store at an existing gas station. The property has frontage along both Alps Road and Paterson-Hamburg Turnpike. The application was withheld by the Planning Board on April 5th with 10 conditions.

There will be a full-access driveway along Paterson-Hamburg Turnpike. Along Alps Road, the southerly driveway will be unrestricted. The northerly, exit-only driveway will be restricted to right turns only, as it is adjacent to the intersection with Paterson-Hamburg Turnpike. The applicant will construct a parking lot adjacent to the proposed convenience store. There will be a total of 10 on-site parking spaces. Trench drains at the northeasterly driveway and the Alps Road driveway will connect into an on-site drainage basin, with an overflow connection to the Alps Road drainage system. A *zelkova serrata* tree will be planted at the corner adjacent to the Alps/Hamburg intersection, outside of the sight triangle. Additional bushes and shrubs will be planted on the site.

There are conditions that must be satisfied before the application can be granted unconditional approval. The applicant must submit the property descriptions and a detailed deed, for County review, for the proposed right-of-way dedications along Paterson-Hamburg Turnpike and Alps Road. The proposed seepage pits must be sized to handle all runoff from the site, not just the net increase in runoff. As this is not a major development, the State regulations referenced by the applicant are not applicable. The proposed trench drains must be relocated outside of the future County right-of-way. The sight distance exhibit must show both the required AND provided sight distance, with each noted accordingly. The sight triangle must remain clear of all objects over 2' in height.

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

SP-18-036 – Rooming House (Kopic) – 161 Lexington Avenue, Passaic

This is a new site plan application in which the applicant has proposed to construct a driveway along the southerly side of the property, which will allow a parking area and a two-car garage to be constructed at the rear of the site. No structural modifications or changes to the existing three-story building are proposed. The first and second floors of the building each contain a two-bedroom apartment. The third floor contains 12 rooming house units. The rooming house is a legal, non-conforming use. The parking area and garage will provide on-site parking for four vehicles and be reserved for use by the occupants of the two bedroom apartments. The setback on the southerly side ranges from 10' to 12.74'. The applicant will provide a 3' maximum retaining wall along the property line as needed and if needed, a 3' bollard in front of the neighbor's fence, and an additional bollard in front of the their building to protect it from damage from vehicles using the driveway. The site is raised by about 2' from the street.

There are existing drain pipes in the retaining wall across the front of the site. An inlet is located just south of the proposed driveway. Lexington Avenue has on-street parking on both sides and has been designated a bike/pedestrian priority route. Construction of the 12 foot curb cut will result in the loss of on-street parking. There is an existing sidewalk and shade tree on the northerly side of the property in the buffer between the sidewalk and street. The tree is not shown on the "Proposed Garage & Driveway Plan." The applicant has received approval from the Passaic Board of Adjustment for a bulk variance for maximum lot coverage (30% permitted, whereas 49.3% is proposed) and open space (25% minimum permitted, whereas 13.5% is proposed).

Staff explained that there are conditions that must be satisfied before the application can be granted unconditional approval. The name and address of the applicant and the owner must be noted on the plans. The zoning table should include the total square footage of impervious coverage and the area of disturbance. The driveway will require a waiver to be permitted within 10 feet of the property line. The site must have a workable on-site turnaround for the driveway to be permitted. The plans must include a profile for the driveway. A positive drainage plan, showing that all drainage from the entire site would

be handled, must be provided. There must be no stormwater runoff into the right-of-way of Lexington Avenue. The plans must include cross-sections of the proposed driveway, showing the proposed retaining wall and the existing house, at critical points. The proposed garage floor elevation should be noted on the plans. It must be clarified whether the existing tree will be removed. There should be at least one shade tree along the frontage of the site, outside of the sight triangle of the driveway. The applicant must provide the Corridor Enhancement Fee of \$1,012.00 payable to Passaic County.

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

SP-18-041 – El Sitio Restaurant – 321 6th Avenue, Paterson

Staff explained that this is a new site plan application in which the applicant has proposed to construct a one-story addition of approximately 365 sq. ft. to expand the kitchen area of the existing first floor restaurant. A two-and-a-half story building, garage, and shed exist on the site. There are no changes proposed to the restaurant seating or to the apartments above. The second and third floor each contain one apartment. The garage and shed will remain. One off-street parking space exists. The restaurant's main entrance is on 6th Avenue. Access to the garage is from East 18th Street. The curb on E. 18th Street is painted yellow for the length of the property. There is a curb cut to the two car garage. In addition, "No Parking" is written on the fence door to the left of the garage. The site appears to slope away from 6th Avenue. No drainage or grading information was provided. Drain pipes along the E. 18th Street side of the building connect underground. Sidewalks are complete. There are no curb ramps at the corner.

There are conditions that must be satisfied before the application can be granted unconditional approval. The name of the County must be included in the title block. A graphic scale, in addition to a written scale, must be included on the plans. The name and address of the applicant and the owner must be noted on the plans. The zoning table should include the total square footage of impervious coverage and the area of disturbance. The applicant must provide a topographical survey, signed and sealed by a licensed surveyor. The survey must show the existing drainage and utility connections. No stormwater runoff is permitted to enter the County right-of-way. The plans must show all curbing and sidewalk along the frontage of the site. The location of the on-site parking space must be clearly indicated on the plans. The limits of the proposed curb cut must be clearly delineated on the plans. The existing driveway apron should be replaced with a raised driveway apron. Shade trees must be provided along the frontage of the site, outside of the sight triangle of the driveway. The applicant must provide the Corridor Enhancement Fee of \$2,000.00 payable to Passaic County.

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

SP-18-042 – Proposed Mixed-Use Building (JCM Investors 1012) – 449 E. 18th Street, Paterson

This is a new site plan application in which the applicant has proposed to construct a four-story mixed-use building. The building will have 2,263 sq. ft. of ground-floor retail on Lot 19. A 24-space parking garage will be located on the ground floor on Lots 20 and 21. The 2nd – 4th floors will contain 27 apartment units. There are two existing, one-story buildings on the site that are to be demolished. The site has frontage along both E. 18th Street and 10th Avenue and is located within Paterson's Fourth Ward Redevelopment Area. The applicant will maintain an existing curb cut along E. 18th Street, which will

provide access to the aforementioned garage. The plans show that there will be two recessed doorways along E. 18th Street, allowing for outward swinging doors that do not encroach into the right-of-way. Regarding drainage, the plans show that roof drains will connect into two (2) on-site seepage pits. There are five columnar hornbeam trees proposed to be planted along the frontage of the site.

Staff explained that there are conditions that must be satisfied before the application can be granted unconditional approval. A graphic scale, in addition to a written scale, must be included on all sheets with plan diagrams. The name and address of the applicant and the owner must be noted on the plans. The zoning table should include an “existing” column, in addition to the “required” and “proposed” columns. The total square footage of the existing and proposed area of disturbance must be provided. The total number of handicapped spaces must be included in the zoning table. The applicant must provide a topographical survey, signed and sealed by a licensed surveyor. The driveway should have a minimum 24’ width. A stop bar, “STOP” sign, and centerline must be installed at the driveway. All striping shall be thermoplastic. The applicant must provide drainage calculations. A roof leader plan, which must clearly illustrate how all roof drainage will connect into the proposed seepage pits and not discharge elsewhere, must be provided. The plans must include a street-level view of parked cars from E. 18th Street. The proposed shade trees cannot be located within the sight triangle of the driveway. The applicant must provide the Corridor Enhancement Fee of \$4,199.00 payable to Passaic County.

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

SP-18-043 – Waterview 161 – 161 Paterson-Hamburg Turnpike, Bloomingdale

This is a new site plan application in which the applicant has proposed to construct a 3rd floor addition to an existing mixed-use building. The building will have seven apartment units. The existing restaurant use will be eliminated. The site is adjacent to the Pequannock River. The site will have one-way circulation: vehicles will enter from Main Street and exit onto Paterson-Hamburg Turnpike. The Main Street driveway is immediately adjacent to the intersection with Paterson-Hamburg Turnpike. There will be a total of 12 on-site parking spaces. The site is sloped to the southeast, towards Main Street and the Pequannock River. Roof drains will discharge to the rear of the site.

There are conditions that must be satisfied before the application can be granted unconditional approval. The existing and proposed square footage of the area of disturbance must be provided. A parking table, including the required, existing, and proposed number of on-site parking spaces, must be included in the plans. The curb ramp and detectable warning surface must be oriented parallel with the crosswalk. A raised driveway apron must be installed at the Paterson-Hamburg Turnpike driveway in accordance with County detail. It is also recommended that a raised driveway apron be provided at the Main Street driveway. All curbing along the Paterson-Hamburg Turnpike frontage of the site must be replaced in accordance with County detail. Two “DO NOT ENTER” signs must be installed at the Paterson-Hamburg Turnpike driveway. A stop bar, 12” in width, white, and thermoplastic, must be installed at the Paterson-Hamburg Turnpike driveway. The applicant must provide the Corridor Enhancement Fee of \$2,358.00 payable to Passaic County.

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

SP-18-044 – Wireless Telecommunications Facility (T-Mobile Northeast) – 910 Main Avenue, Passaic

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. The top of the parapet is currently 37'-6". The proposed T-Mobile antennas will be 42'-4". The screening will be 46'-4" in height. The building setback from Main Avenue is 8.1'. The proposed front yard setback to screening is 9.1'. The proposed front yard setback to antennas is 10.9'. The applicant proposes using RF transparent screening around the equipment. No other changes to the building or the site are proposed.

Staff explained that the applicant must provide the Corridor Enhancement Fee of \$250.00.

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

18-006 – Riverview Plaza Lot Consolidation – 435 Minnisink Road, Totowa

Staff explained that this is a new minor subdivision application in which the applicant has proposed to consolidate two lots. The existing commercial building on the site will be demolished and replaced with a new retail building as part of SP-18-045. The site is located at the intersection of Minnisink Road and Riverview Drive in Totowa. The frontage is along an intersection ramp that is subject to NJDOT jurisdiction for access. The site has an existing shared driveway with the owner of Lot 20. The applicant has proposed an access easement allowing an internal driveway connection to an adjacent property (Block 171, Lot 2.01), which is under common ownership with the subject property. The proposed internal connection will allow vehicles to enter and exit the site via Riverview Drive.

There are conditions that must be satisfied before the application can be granted unconditional approval. The right-of-way widths of Riverview Drive and Minnisink Road must be noted along the frontage of the site. If the widths vary, all variations in width must be noted on the plans. The existing bus stop along the frontage of the site must be indicated. The applicant must provide a copy of the cross-easement allowing for a shared driveway with the owner of lot 20, as well as a copy of the access easement allowing the site driveway to connect to the internal driveway of lot 2.01. It must be clarified whether access between the site and lot 2.01 is proposed to the west of the building. If so, an additional easement must be submitted allowing for that access.

Commissioner Metzler made a motion to **withhold** approval of the minor subdivision application. Commissioner Diaz seconded that motion. The motion passed unanimously.

SP-18-045 – Riverview Plaza– 435 Minnisink Road, Totowa

This is a new site plan application in which the applicant has proposed to construct a 7,990 sq. ft. commercial building. All access to the site will be at an existing driveway, shared with the owner of Lot 20, along Minnisink Road. There will be 21 on-site parking spaces. The plans show that the driveway will connect internally to an adjacent property (Block 171, Lot 2.01), which is under common ownership with the subject property. A similar commercial development was approved for the adjacent site in 2016. The proposed internal connection will allow vehicles to enter and exit the site via Riverview Drive. There is currently no sidewalk along the frontage of the site. The Morris Canal Greenway runs along the Riverview Drive frontage of the site. The site is sloped towards Minnisink Road at the location of the driveway. There will be an inlet in the parking lot, which will connect into the drainage system along

Minnisink Road. Roof leaders will connect to an underground chamber system. The plans do not indicate how stormwater runoff will be prevented from entering the right-of-way at the location of the driveway. The applicant has proposed to plant numerous shrubs, but no shade trees, along the site's frontage.

Staff explained that there are conditions that must be satisfied before the application can be granted unconditional approval. The zoning table should include an "existing" column, in addition to the "required" and "proposed" columns. The total square footage of the existing and proposed area of disturbance must be provided. If improvements are proposed that encroach onto lot 2.01, that lot must be included as part of this site plan application. The previous site plan must be amended in order to allow for the removal of the previously approved retaining wall. The plans must show the curblines, driveways, and intersections on the opposite side of Minnisink Road, for 200' on each side of the site driveway. Curbing and sidewalk must be installed along the entire frontage of the site in accordance with the attached detail. A stop bar, "STOP" sign, and centerline must be installed at the site driveway. All striping shall be thermoplastic. The applicant must provide drainage calculations that include the site AND lot 2.01. The plans must clearly indicate how drainage for the new lot will be handled. No stormwater runoff may enter the County right-of-way. The applicant must provide more information on pedestrian accommodation at the site driveway.

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

OLD BUSINESS

SP-18-037 – Mt. Zion Baptist Church – 857 Main Avenue, Passaic

Staff explained that this is a previously withheld site plan application in which the applicant has proposed to construct a 4,118 sq. ft. fellowship hall adjacent to an existing church building. The applicant has requested a waiver from the assessed Corridor Enhancement Fee due to the non-profit use of the site. Staff recommended a reduction to \$250.00, which has been granted to previous non-profit site plan applications. Freeholder Duffy made a motion to reduce the Corridor Enhancement Fee to \$250.00. Commissioner Diaz seconded that motion. The motion passed unanimously.

NEW BUSINESS – None.

ADJOURNMENT

Vice Chairman Simpson made a motion to adjourn the meeting at 6:27 PM that was seconded by Commissioner Metzler.

Respectfully submitted,



Michael Lysicatos for

MICHAEL LA PLACE