

# PASSAIC COUNTY PLANNING BOARD MINUTES OF A REGULAR MEETING THURSDAY, January 10, 2019 930 RIVERVIEW DRIVE, SUITE 250, TOTOWA, NJ 07512

Chairman Gervens opened the meeting at 5:01 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 (left the meeting at 6:50 PM); Nakima Redmon; Steven Edmond, Alternate (non-voting).

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

**REORGANIZATION:** Planning Director La Place requested a nomination for the Chair. Commissioner Metzler nominated Commissioner Kenneth Simpson and the nomination was seconded by Commissioner Gervens. Commissioner Diaz made a motion to vote which was seconded by Commissioner Redmon. The motion passed unanimously.

Planning Director La Place requested a nomination for the Vice Chair. Commissioner Metzler nominated Commissioner Miguel Diaz and the nomination was seconded by Commissioner Martinique. Chairman Simpson made a motion to vote which was seconded by Commissioner Gervens. The motion passed unanimously.

Chairman Simpson requested a nomination for the Planning Board Secretary. Commissioner Martinique nominated Planning Director Michael La Place and the nomination was seconded by Commissioner Metzler. Commissioner Martinique made a motion to vote which was seconded by Vice Chairman Diaz.

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

- 2019 is the 90<sup>th</sup> anniversary of the Passaic County Planning Board.
- The Department is working to address comments received from County Administration regarding the Green Stormwater Infrastructure Element.
- Work continues on the proposed Highlands Rail Trail, including a successful meeting with the North Jersey District Water Supply Commission (NJDWSC) to discuss the trail design.
- Staff are working on several mapping projects in conjunction with the Parks Department.
- Planning Director La Place announced his resignation, effective February 1<sup>st</sup>, following which he
  will assume the role of Planning Director for the Town of Princeton. Mr. La Place thanked the
  Board for their support of the Department's work.

**MINUTES**: The minutes of the December 13<sup>th</sup>, 2018 meeting were read. There being no additions, corrections or deletions and upon motion being made by Commissioner Metzler and seconded by Commissioner Gervens the minutes as noted above are officially adopted. Vice Chairman Diaz and Commissioner Redmon abstained.

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

Commissioner Martinique made a motion to close the public portion that was seconded by Vice Chairman Diaz. The motion passed unanimously.

#### **DEVELOPMENT REVIEW**

# SP-18-065 - Yard House Restaurant (Willowbrook Mall) - 50 Route 46, Wayne

This is a new site plan application in which the applicant has proposed to convert existing first-floor retail space into a restaurant. The restaurant will have a total of 10,884 sq. ft., which will include a 369 sq. ft. mezzanine and a 483 sq. ft. patio. The restaurant will be located at the Willowbrook Mall, under the existing Dave & Buster's restaurant in the Sears building. The lot does not have frontage along a County road, but includes over an acre of impervious surfaces. The site contains 1,455 existing parking spaces. The applicant has proposed improvements to existing curbing, sidewalk, and ramps, as well as striping and pedestrian safety signage to improve access to the buildings and parking. The applicant has also proposed to install a new grease trap, relocate the Dave & Buster's grease trap, and install gas, sewer, and water lines into the unit. The site does not pose any impacts to any County drainage systems. The applicant has proposed two hatched areas along the side of the building within which will be planted with 21 evergreen shrubs and 255 perennials. There will also be two evergreen shrubs along the frontage of the building.

Staff explained that the development does not pose any impact to County facilities and recommended that the Board grant an unconditional approval.

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

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

Staff explained that this is a previously withheld 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 in the Athenia neighborhood of Clifton. The application was withheld by the Planning Board on August 24<sup>th</sup> with 8 conditions.

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. Staff have identified a potential concern that the number of parking spaces and site layout will not be adequate for pick-up and drop-off procedures, and could result in an adverse impact to Clifton Avenue. The siting of the building is limited due to the presence of a culvert running through the property. 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 Okame cherry trees along the Clifton Avenue frontage of the site, outside of the right-of-way. Additionally, five 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. The proposed parking allotment will not satisfy the demand for pick-up and drop-off. The

applicant must provide a pick-up/drop-off plan showing that Clifton Avenue will not be adversely impacted by the site operations. The applicant has agreed to a signal retiming for the Van Houten Avenue / Clifton Avenue intersection. A recommended signal retiming must be submitted for review by County staff. The applicant must provide verification that the City of Clifton is responsible for the Weasel Brook culvert easement. The applicant must submit a traffic analysis of the left-out movement from the Clifton Avenue driveway, in order to determine any impact to the level-of-service and queuing at the signal.

The applicant's civil engineer, Matthew Clark of MCB Engineering Associates, was in attendance. The Board accepted Mr. Clark's credentials as an expert in the field of engineering. Mr. Clark stated that the applicant has reservations about locating a driveway on a municipal side street as there is an elevation drop off. Also, queueing would block parking spots due to the geometry of the driveway. The driveway was approved by the City of Clifton, including the local fire official. Mr. Clark stated that the required number of parking spaces was designed to take into account both the number of employees and the pick-up and drop-off of children. The parking is based on a staggered drop-off and pick-up time, which also limits how much staff is there at any one time. There will be no third-party events or graduations on the site. Mr. Clark explained that he has worked with several day care centers and has taken all such considerations into account. Commissioner Edmond requested that more information, including an elevation cross-section, be provided regarding the elevation change from the site parking lot to Kenyon Street.

The applicant's traffic engineer, Sonja Ommundsen from Stonefield Engineering, was also in attendance. The Board accepted Ms. Ommundsen as an expert in the field of engineering. Ms. Ommundsen explained that the applicant has proposed a staggered parking arrangement to accommodate both children and employees. The peak occupancy will be during mid-day and there will still be four empty parking stalls. Each parking space has been designed to accommodate 12 vehicles during peak hour. Ms. Ommundsen stated that a more formal drop-off and pick-up plan will be provided at the Board's request. Chairman Simpson expressed a concern about the conflicting turn movements that could result from the expected turnover. Commissioner Edmond inquired as to whether there are designated drop-off spots. Mr. Clark indicated that the applicant could provide designated pick-up/drop-off spaces on the site. Data will be provided from other existing day-care facilities to illustrate how the parking can function safely.

Vice Chairman Diaz made a motion to grant the applicant's waiver request, which was seconded by Commissioner Metzler. Commissioner Edmond requested that the applicant provide more information before the request is considered. The Board voted against granting the waiver request. Vice Chairman Diaz and Commissioner Gervens were in favor, Commissioners Redmon, Martinique, Metzler, and Chairman Simpson against, and County Engineer Pera abstained. The request will be re-considered by the Board upon receipt of additional information, including a cross-section of the elevation change from the site parking lot to Kenyon Street.

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

#### SP-17-062 - Prop. Condominiums (Fontana) - 165 Lakeside Road, West Milford

This is a previously withheld site plan application in which the applicant has proposed to use an existing building for 9 condominium units. The site includes lots on opposite sides of Lakeside Road in the Hewitt section of West Milford. The application was withheld by the Planning Board on June 7<sup>th</sup>, 2018 with 8 conditions.

There will be 10 diagonal parking spaces located adjacent to the building, with ingress and egress via two one-way driveways. On the opposite side of Lakeside Road, an 11-space parking lot will have access via a combined driveway. Per the Board's request, the applicant has proposed to install a crosswalk connecting the two lots. The crosswalk will be supplemented by two Rapid Rectangular Flashing Beacons (RRFB), and has been approved by the Township. The applicant has requested a waiver from the County's driveway grading requirements on Lot 21 due to the existing building being at a higher elevation than the right-of-way and within 50' of the right-of-way line. The applicant has proposed to construct sidewalk along portions of the frontages of both lots. The applicant has requested a waiver from the Board's request to install bus shelters at the two existing bus stops along the frontages of the two lots, as the Township will not agree to assume maintenance of the shelters. Both lots are sloped towards Lakeside Road. Trench drains are proposed at both driveways. All stormwater collected on-site will connect into the County drainage system along Lakeside Road. The applicant has proposed to plant Northern Red Oak and Zelkova trees along the property frontages.

Staff explained that there are conditions that must be satisfied before the application can be granted unconditional approval. The applicant must submit the required application materials for a drainage connection permit. The Township of West Milford has passed an Ordinance designating the midblock crosswalk. The Township must send a copy of the Ordinance to the County along with a request for a concurring Board of Chosen Freeholders Resolution. A developer's agreement must be signed by the County, Township, and developer, obligating the homeowner's association to maintain the RRFB and crosswalk and advance pedestrian warning signs upon its formation. The illumination levels for the proposed site lighting must be indicated on the site plan and not just in the detail for the lighting fixture. The applicant must provide the Corridor Enhancement Fee of \$9,776.00, made payable to Passaic County.

Commissioner Edmond requested that the developer's agreement also required the homeowner's association to maintain the stop bars and cross-walk lighting.

Commissioner Edmond additionally requested that the sidewalk on the easterly side of Lakeside Road be extended to the bus stop, with a sign to be provide at each bus stop that reads "USE CROSSWALK" and has arrows pointing to the crosswalk.

Robert Moshman, the attorney for the applicant, called upon Joseph Vince as the engineer for the applicant. The Board accepted Mr. Vince as an expert in the field of engineering. Mr. Vince submitted several exhibits to the board which were marked and entered into the record. Exhibit A is an aerial photograph of the site. Exhibit B is also an aerial photograph of the site, but at a smaller scale. Exhibit C is an aerial photograph showing the site in relation to the nearest NJ Transit Park & Ride facility along Greenwood Lake Turnpike. Mr. Vince provided a brief overview of the history of the site and rationale for various design elements. The applicant considers it unreasonable to be required to maintain the requested bus shelters, as the applicant does not accept that they are warranted in that location or demanded by the proposed development. Following some discussion, the Board agreed that there was a clear rationale to eliminate the requirement for the northbound bus shelter.

Mr. Moshman testified that the requested bus shelter would be aesthetically unappealing and unused, based on his familiarity with the surrounding area. Commissioner Martinique agreed and stated that a bus shelter was not warranted in that location. Additionally, Commissioners Metzler and Gervens agreed with Mr. Moshman that neither of the shelters was warranted. Commissioner Martinique made a motion to waive the requirement for any bus shelters. The motion was seconded by Commissioner Gervens. The motion passed unanimously with Vice Chairman Diaz abstaining.

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

# SP-18-066 - Vivekananda Vidyapith - 1275 Ratzer Road, Wayne

Staff explained that this is a new site plan application in which the applicant has proposed to convert an existing single-family dwelling into a religious and cultural center. The site has frontage along both Hinchman Avenue (Lot 57) and Ratzer Road (Lot 53). The applicant is proposing to construct a bridge over the Singac Brook to connect the two properties, which will require NJDEP approval. The site will contain 55 new parking spaces. The applicant will remove the existing curb cut along Ratzer Road, and construct a new driveway and curb cut to provide access from Ratzer Road to the new parking and a portion of the existing driveway. The applicant has proposed to connect the parking lots and new pedestrian bridge with the religious center via sidewalks. However, there is no sidewalk proposed to the center from the existing sidewalk along Ratzer Road. The site will add 23,044 sq. ft. of new impervious surface. The site is sloped slightly towards Ratzer Road at the location of the proposed driveway. Inlets on the site will connect to an underground basin, which will have an outflow to a tributary of the Preakness Brook at the rear of the site. The applicant has proposed no additional plantings.

There are conditions that must be satisfied before the application can be granted unconditional approval. The existing right-of-way width of Ratzer Road must be noted on the plans. If the width varies, all variations must be noted in the correct location. A walkway should be provided to connect the building on Lot 53 to the Ratzer Road sidewalk. The applicant must install a raised driveway apron at the proposed Ratzer Road driveway, per County detail. Parking should be prohibited along the Ratzer Road frontage of the site. The applicant must request the prohibition from Wayne Township and provide "NO PARKING ANY TIME" signs along the site frontage. The plans must include a detail of the STOP sign OR an MUTCD code of R1-1. The applicant must provide shade trees along the Ratzer Road frontage. The applicant must submit drainage calculations. The applicant must provide copies of any required NJDEP permits. The applicant must provide verification of non-profit status. The applicant must provide copies of any cross-easements between the two property owners. The proposed bridge between the two lots must be maintained by the property owner(s). The existing bus stop along the Ratzer Road frontage must be noted on the plans. The applicant must provide the Corridor Enhancement Fee of \$6,351.00, made payable to Passaic County.

Michael Rubin, the attorney for the applicant, stated that the site plan has been proposed in response to a parking shortage at the current facility located on Lot 57. The site will require submission to and approval by the New Jersey Department of Environmental Protection (NJDEP). Commissioner Edmond inquired as to the extent of the current parking demand issues at the Hinchman Avenue parking lot. Mr. Rubin indicated that the additional parking on Lot 53 will eliminate the parking issue.

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

### SP-18-027 - Valley Ridge Shopping Center (Addition) - 560-600 Valley Road, Wayne

This is a previously withheld site plan application in which the applicant has proposed to construct a 2,682 sq. ft. addition to the existing Valley Ridge Shopping Center. The addition will increase the size of an existing building from 55,843 sq. ft. to 58,525 sq. ft., with 40,235 sq. ft. of the building to be occupied by a supermarket. The property has frontage along both Valley Road and Preakness Avenue. The application was withheld by the Planning Board on June 22<sup>nd</sup> with 7 conditions.

There are four existing full-access driveways serving the site, two along Valley Road and two along Preakness Avenue. The westerly of the Preakness Avenue driveways will be re-configured with a single entrance lane, and a single exit lane that will allow both left and right turns. Per the Board's request, the applicant has agreed to restripe and provide new stop signs at all four driveways. There will be 535 off-street parking spaces, a decrease from the existing 541 spaces. The applicant has requested a waiver from providing the right-of-way widths of Valley Road and Preakness Avenue, as the survey work available is limited due to the scope of the development. The applicant has also requested a reduction in the Corridor Enhancement Fee relative to the scope of the proposed development. The applicant has submitted a drainage exhibit, which shows that there will be *de minimus* runoff at the Preakness and Valley driveways. There are existing on-site inlets which connect into the County drainage system. The applicant has proposed to install additional shade trees and landscaping, in addition to the existing landscaping along both frontages of the site.

Staff explained that there are conditions that must be satisfied before the application can be granted unconditional approval. The exit lane for the westernmost Preakness Avenue driveway is striped as 18.3 feet wide, which would allow for cars to exit side-by-side. The exit lane must be striped to be 12 feet wide. All centerlines must be noted as yellow. A new centerline must be provided at the northerly Valley Road driveway. The "EXISTING PERVIOUS AREA" on Sheet STM-01 is incorrect, as these are impervious areas. Staff recommended that the Corridor Enhancement Fee be reduced based on the frontage of the modified retail space, not to 3% of the assessed Fee as specified in the request.

Commissioner Metzler made a motion to grant the applicant's waiver request to not provide the existing right-of-way widths along the Valley Road and Preakness Avenue frontages of the site. The motion was seconded by Commissioner Redmon and approved unanimously.

Vice Chairman Diaz made a motion to grant a reduction in the Corridor Enhancement Fee to \$3,800.00, based on the linear frontage of the building that is to be expanded. The motion was seconded by Commissioner Metzler and unanimously approved.

Sonja Ommundsen, the traffic engineer for the applicant, explained that the applicant will address the remaining conditions.

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

Commissioner Metzler left the meeting.

### SP-18-059 - Prop. Mixed-Use Building - 234 Main Avenue, Passaic

Staff explained that this is a previously withheld site plan application in which the applicant has proposed to construct a three-story, seven unit apartment building on a vacant lot. The ground floor of the building will be used as a restaurant. The site has frontage along Main Avenue on the west side of Passaic. The application was withheld by the Planning Board on November 30<sup>th</sup> with 8 conditions.

The site will have access along Carlton Place, a municipal street, with three on-site parking spaces. There are no existing or proposed curb cuts along the Main Avenue frontage of the site. The applicant has proposed to replace the existing curbing, sidewalk, and curb ramps. The applicant has proposed to install three recharge pits at the rear of the site, which will collect stormwater from the roof leaders. No connections into the County drainage system are proposed. The applicant has proposed to plant two shade trees along Carlton Place. Per the Board's request, the applicant has proposed a shade tree along Main Avenue and has relocated all utilities except the sanitary sewer to Carlton Place.

There are conditions that must be satisfied before the application can be granted unconditional approval. The proposed area of disturbance should be noted on the plans. The seepage pit dimensions are still not shown on the plan or detail. The proposed tree species should be noted on the plans.

Commissioner Gervens made a motion to grant **conditional approval** to the site plan application. Commissioner Redmon seconded that motion. The motion passed unanimously. Commissioner Edmond voted in place of Commissioner Metzler.

# SP-18-068 - 1165 Ringwood (Parking Expansion) - 1165 Greenwood Lake Turnpike, Ringwood

This is a new site plan application in which the applicant has proposed to provide additional parking at an existing retail development. There are no proposed changes to the building. The plan will add 31 new parking spaces to the lot, for a total of 50 spaces. There is an existing parking encroachment into the County right-of-way, which is separated from the roadway by a curbed island. There are two existing, combined access driveways along Greenwood Lake Turnpike. The exit lane at the southerly driveway is restricted to right turns only. There are no changes proposed to the existing curb cuts. The applicant has proposed to add new signage and striping at the driveways. The site has shared access with Lot 1.04, with a connecting drive adjacent to the southerly site driveway. The proposed parking will add 8,591 square feet of new impervious surface. The site is sloped away from the County right-of-way, towards a stream at the rear of the site. No connections into the County drainage system are proposed.

Staff explained that there are conditions that must be satisfied before the application can be granted unconditional approval. The applicant must submit two copies of the referenced survey dated July 29, 2015, last revised on July 15, 2016. The survey must be signed and sealed. The existing right-of-way width of Greenwood Lake Turnpike must be noted on the plans. The northerly driveway must be removed, as there is not sufficient sight distance. The driveway should be replaced with a curbed island connecting to those on both sides of the existing driveway. The existing curbed island should be widened to remove the existing parking encroachment from the County right-of-way, allowing for the maintenance of parallel parking with a minimum aisle width of 24'. All parking spaces adjacent to driveways that are within 20 feet of the County right-of-way must be removed from the plans. The applicant should provide shade trees within the expanded curbed island along the Greenwood Lake Turnpike frontage of the site. The applicant should provide copies of any cross-easements with the owner of Lot 1.04, as there is shared access between the two lots. The applicant must provide copies of

any required NJDEP permits. The applicant must provide the Corridor Enhancement Fee of \$4,000.00, made payable to Passaic County.

Staff added that the existing hatched area between the southerly exit driveway and the drive connecting to Lot 1.04 should be replaced with a curbed island that includes a shade tree.

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

#### **OLD BUSINESS**

## Resolution - Green Stormwater Infrastructure Element of the Passaic County Master Plan

Staff explained that this is a resolution formalizing the Board's approval of the Green Stormwater Infrastructure Element of the Passaic County Master Plan. The Element was presented to the Board at a public hearing on November 29<sup>th</sup>, 2018, at which the Board voted to approve the Element.

Per the recommendation of Planning Board Attorney Abdelhadi, the language will be updated to read: Be it further resolved that a copy of this resolution will be provided in the minutes of the meeting.

Vice Chairman Diaz made a motion to **approve** the resolution to adopt the Green Stormwater Infrastructure Element of the Passaic County Master Plan. Commissioner Redmon seconded the motion. The motion was passed unanimously.

#### **NEW BUSINESS - None.**

#### **ADJOURNMENT**

Commissioner Redmon made a motion to adjourn the meeting at 7:04 PM that was seconded by Commissioner Martinique.

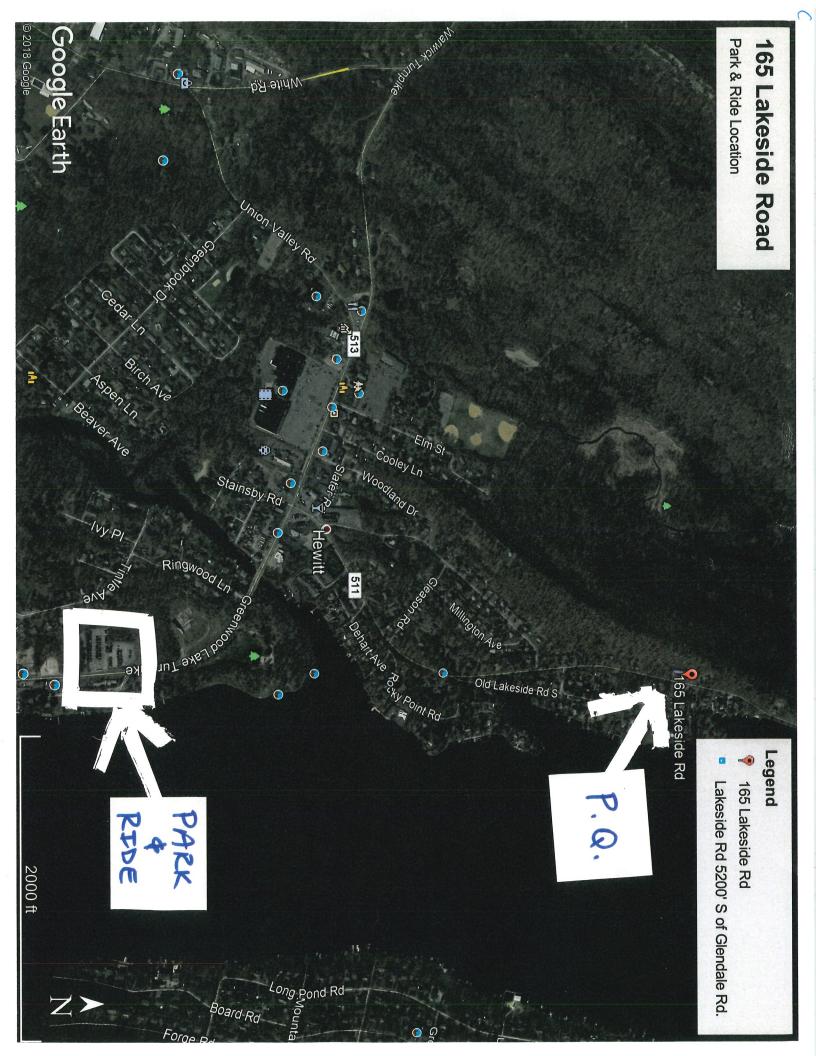
Respectfully submitted,

Michael Lysicatos for

MICHAEL LA PLACE







### PASSAIC COUNTY PLANNING BOARD

#### RESOLUTION

WHEREAS, consistent with its vision to develop and encourage environmentally sound development in Passaic County, the Passaic County Planning Board has prepared a document titled "Green Stormwater Infrastructure Element of the Passaic County Master Plan", dated September 2018, and hereafter referred to as the "Green Stormwater Infrastructure Element". The Green Stormwater Infrastructure Element provides an overview of green stormwater infrastructure and low impact development best practices, and recommendations for the incorporation of those practices into both capital improvements projects and the development review process;

WHEREAS, the Passaic County Planning Board proposes to add the Green Stormwater Infrastructure Element as an additional element of the Passaic County Master Plan;

WHEREAS, Section 40:27-4 of the New Jersey County and Regional Planning Act requires that, before adopting any part of a Master Plan, a County Planning Board shall advertise and hold at least one public hearing, with copies provided to the municipal clerk and secretary of the planning board of each municipality in the county, of the proposed Master Plan element at least 20 days prior to that hearing;

WHEREAS, the Passaic County Planning Board held a public hearing on November 29, 2018 at 5:00 PM, at the offices of the Passaic County Department of Planning & Economic Development located at 930 Riverview Drive, Suite 250, Totowa, NJ 07512, and did advertise said hearing by public notice in the North Jersey Herald News on November 2, 2018; and

WHEREAS, the Passaic County Planning Board did provide copies, by delivery, of the proposed element to the municipal clerk and secretary of the planning board of each municipality at least 20 days prior to the hearing, and did also post a copy of the proposed element on the web site of Passaic County.

NOW THEREFORE BE IT RESOLVED, that the Passaic County Planning Board does hereby adopt the Green Stormwater Infrastructure Element, dated September 2018, by execution of this Resolution signed by the Secretary of the Passaic County Planning Board, and the Chairman of the Passaic County Planning Board, and that an attested copy of the proposed additional element of the Master Plan be certified to the Passaic County Board of Chosen Freeholders, and to the legislative body of each municipality within the County, as required by Section 40:27-2 of the New Jersey County and Regional Planning Act.

BE IT FURTHER RESOLVED that a copy of this Resolution be provided in the minutes of the meeting.

Michael La Place, Secretary

Passaic County Planning Board

Kenneth Simpson, Chairman Passaic County Planning Board

January 10, 2019