



**PASSAIC COUNTY PLANNING BOARD
MINUTES OF A REGULAR MEETING
Thursday, July 1st, 2020
930 RIVERVIEW DRIVE, SUITE 200, TOTOWA, NJ 07512**

Planning Director Michael Lysicatos opened the meeting at 5:05 PM. Senior Planner Jason Miranda read the notice that the requirements of the Open Public Meeting Act had been met. Senior Planner Jason Miranda then proceeded to the roll call.

MEMBERS PRESENT: William Gervens, Commissioner; Joseph Metzler, Commissioner Stephen Martinique, Commissioner; County Engineer Jonathan Pera, Commissioner; Steve Edmond, Commissioner Alternate (voting for Nakima Redmon); Freeholder Pat Lepore; Freeholder Duffy

OTHERS PRESENT: John Abdelhadi, Planning Board Counsel; Michael Lysicatos, Planning Director and Board Secretary; Jason Miranda, Senior Planner; Salvatore Presti, Assistant Planner.

A motion was made by Commissioner Steve Martinique to make himself Acting Chairman for the evening. Freeholder Pat Lepore seconded the motion. The vote unanimous.

MINUTES: A motion to adopt the minutes of the June 18th, 2020 meeting was made by Commissioner Edmond and seconded by Commissioner Martinique. The motion passed unanimously.

PLANNING DIRECTOR'S REPORT: Planning Director Lysicatos reported on the following initiatives:

- The final report on the Paterson-Newark Transit Market Study will be published on the Planning Department Website on July 2nd, 2020. The study has concluded strong recommendation for mass transit options between Paterson and Newark using the old Newark Industrial track that runs perpendicular to Route 3. In addition to predicted strong ridership numbers, the Newark Industrial track runs through the On3 site in Clifton. The project now moves onto the environmental impact statement phase, and the department will continue to move more support and consensus for the project.
- The Highlands Rail Trail project has been submitted to the NJDOT for authorization for construction. The Planning Department has submitted a request to NJDOT and NJTPA to fund construction of phase 2 further north into Wanaque.
- The Department has been working to assist local businesses in the past few weeks. The Freeholders have partnered with EDA and authorized \$10 million in small business grant funding through the EDA. The grant applies for businesses with less than 25 full time employees. Businesses have until July 8th to apply to receive up \$10,000 in grant funding. The department has been assisting by promoting the program, and by creating and "Open For Business" map. The map allows businesses to complete a form, and post their hours of operation, products, delivery information, and other information on an interactive map.

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

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

DEVELOPMENT REVIEW

SP-18-053 – NBS Realty – 442-446 10th Avenue, Paterson

This is a previously withheld site plan application in which the applicant has proposed to operate an auto sales business in an existing building. The parking lot will be striped to accommodate both customer parking and spaces for vehicles that are on sale. The existing liquor store and 2nd floor apartment will remain. The site has frontage along 10th Avenue in Paterson. The application was withheld by the Planning Board on September 19th, 2019 with 5 conditions.

There will be a total of 10 on-site parking spaces, four (4) of which will be set aside for vehicles that are on sale. The site will have maintain driveways on both 10th Avenue and East 27th Street; an existing gate is to remain along 10th Avenue, which will be closed when the business is not open. There is an existing curb cut along 10th Avenue, where a gate separates the site from the County right-of-way. The applicant has proposed to relocate the curb cut away from the property line, and will provide new curbing and sidewalk along the remainder of the 10th Avenue frontage. The applicant has submitted an encroachment permit application for the existing cellar door, canopy, and 2nd floor overhang along the 10th Avenue frontage. There are also stairs within the right-of-way. The required certification for the cellar door has not been provided. The applicant has proposed to install a trench drain at the 10th Avenue driveway. The trench drain will connect into three seepage pits beneath the parking lot. Interior curbing is proposed to prevent stormwater from bypassing the trench drain. The applicant has proposed to plant two "Black Gum" *Nyssa sylvatica* trees along the 10th Avenue frontage of the site.

Staff explained there are conditions that must be met before the application is granted conditional approval. The applicant must clarify the proposed gate and driveway operations along 10th Avenue. If the driveway is not going to be used, the curb cut must be removed and replaced with curbing and sidewalk and the gate removed and replaced with a fence. The proposed drop curb is within the limits of the proposed full height curb as indicated on the plan. It should be clarified that the curbing will only be provided on either side of the driveway apron, which must be a raised apron per County detail. The driveway shall be reduced to 24 feet in width. A "STOP" sign, stop bar, and double yellow centerline must be provided at the driveway, with all striping noted as thermoplastic. The two spaces within 20 feet of 10th Avenue cannot be used as customer parking. If they are to remain, they must be designated and signed for use by employees only. The building area must be included in the calculations. The site must be designed to allow for up to 6" of on-site ponding prior to any overflow to 10th Avenue. Interior curbing must be provided adjacent to the existing gate in order to prevent bypass of the trench drain or other drainage facility. The square footage of the proposed area of disturbance must be noted on the plans. The site must be graded to provide up to six (6) inches of on-site ponding. The proposed grade of 89.00 on the plan is incorrect (the nearby D.C. is at elevation 80.08). The area of disturbance is not noted on the plans. The encroachment permit must be revised to include the stairs along the 10th Avenue frontage. The applicant must still submit the previously requested certification for the cellar door. The applicant must provide the Corridor Enhancement Fee of \$1,504.00 payable to Passaic County.

Commissioner Edmond made a motion to **withhold approval** to the application. The motion was seconded by Commissioner Martinique. The motion passed unanimously.

SP-19-052 – New Street Two-Family Homes – 147-153 New Street, Paterson

This is a previously withheld site plan application in which the applicant has proposed to construct five (5) two family homes. An existing two-story structure and garage have already been demolished. The buildings will each occupy 2,500 sq. ft. The site has frontage along New Street in Paterson. The Planning Board withheld this site plan application on April 9th, 2020 with 10 conditions.

Each dwelling unit will have access to a common residential access street connecting to their driveways. Each dwelling will have two (2) parking spaces, for a total of four (4) parking spaces per individual structure. The applicant has proposed connecting the access street to New Street. A three-foot sidewalk is proposed to connect the residences to New Street. A five-foot sidewalk is proposed along the New Street frontage. The site is sloped steeply towards New Street. The applicant has proposed to regrade the driveway in order to provide the required 2% maximum slope. Regarding drainage, the plans show that roof drains will connect into three (3) dry wells on-site. Drainage calculations have been provided for the site. The applicant has proposed to plant three (3) American elm trees along the New Street frontage, outside of the County right-of-way.

Staff explained there are conditions that must be met before the application is granted conditional approval. The applicant must dedicate one foot of the Master Plan right-of-way, in order to accommodate a 5-foot sidewalk without reducing the width of the roadway. The deed of dedication and metes and bounds description must be submitted for County review. The applicant must provide a driveway profile. The driveway may have a maximum slope of 2% for the first 50 feet back from the right-of-way line of New Street. The applicant must demonstrate the need for the requested waiver. It must be shown what the required grading would necessitate in terms of on-site modifications. The applicant must demonstrate that the requirement is infeasible or presents a hardship. The applicant must provide the closest feasible alternative to the required grading. The profile must show the entire driveway, and include the existing grading in comparison with the proposed grading. The plans must be revised to indicate the turning movement radii for all movements at the driveway. The utility pole may be an obstruction. The centerline of New Street, and both edges of pavement, must be indicated. The apron is shown to conflict with the utility pole. The apron should be revised to avoid any conflicts. The apron has been revised, but the plans must still indicate the turning radii of the right turn into the site to verify that there will be no conflicts. The applicant shall provide a trench drain at the end of the driveway, including calculations showing that there will be no bypass. The trench drain bypass calculations were not submitted.

The applicant must coordinate with the City to verify that the footings of the proposed buildings will be located entirely within the property and that there will be no adverse drainage impacts to adjacent properties. To clarify, the original comment regarding footings should have referred to the footings of the retaining walls along the property lines and not the building footings. The test pits must be completed now, as part of the design process, and not during construction. The test pits must be completed now in order to avoid a potential drainage redesign during construction. This is a function of the design of the product, and must be completed prior to Planning Board approval. The orientation of

the north arrow must be verified. The applicant must provide a written waiver request justifying the location of the site driveway within 10 feet of the side property line.

Freeholder Lepore inquired how many parking spaces would be provided per unit, and what would happen with overflow parking of the sites. Commissioner Edmond wished add a comment that asked the applicant what they intend to do with overflow parking. County Engineer Pera asked to add a comment to have the applicant include an edge line of the driveway to the profile drawings in the plans.

Freeholder Lepore made a motion to **withhold** the application. The motion was seconded by Commissioner Edmond. The motion passed unanimously.

SP-19-056 – 80/46 Logistics Center – 1150 McBride Avenue, Woodland Park

Freeholder Lepore recused himself from this application and did not participate in the testimony or discussion.

This is a previously withheld site plan application in which the applicant has proposed to construct a four-story logistics distribution center with office space. The building will have 205,350 sq. ft. of ground-floor distribution center space, 19,190 sq. ft. of office space, and 2,360 sq. ft. of retail space. The proposed parking lot will contain 229 standard parking spaces and 37 trailer spaces. All existing structures on the site are to be demolished. The site has frontage along both McBride Avenue and Lackawanna Avenue. This application was withheld by the Board on January 16th, 2020 with 17 comments.

The applicant will remove the existing curb cuts along McBride Avenue and install two (2) new curb cuts. The existing driveway along the Lackawanna Avenue frontage will be restricted to right-out and left-in turns only. There are two existing “paper” streets, Linden Avenue and River Boulevard, running through the property. To accommodate the Lackawanna Avenue driveway, River Boulevard and a portion of Linden Avenue are to be vacated. The applicant has submitted a traffic study, which recommends allocating two seconds of “green” signal time from McBride to Lackawanna. The applicant has proposed to replace the existing sidewalk and curbing as need based on a survey of the existing conditions. The applicant has agreed to provide raised driveway aprons at all site driveways, although they are not indicated on the revise plans. The site is sloped away from both McBride and Lackawanna Avenues. Roof drains and inlets on the site will drain into the adjacent Peckman and Passaic Rivers at the rear of the site. No connection or flow to any County roadways is proposed. The applicant has proposed to remove the existing trees along McBride Avenue. They are to be replaced with new trees on the applicant’s side of the right-of-way line.

Staff explained there are conditions that must be met before the application is granted conditional approval. The right-of-way width of Lackawanna Avenue must be noted along the frontage of the site. If the width varies, all variations must be noted in the correct location. The right-of-way width of Lackawanna Avenue is not labeled on sheet 3, as per the applicant’s letter. The applicant must provide copy of the necessary documentation for the proposed vacation of Linden Avenue and River Boulevard. The vacation of River Boulevard shall not extend past the Master Plan right-of-way line of Lackawanna Avenue. The Master Plan right-of-way is 66 feet, measured 33 feet from the centerline of the roadway. The applicant must provide new curbing, per County detail (attached), and sidewalk along the site’s frontages on McBride and Lackawanna Avenues. The applicant has stated that much of the sidewalk and

curbing is in satisfactory condition. To verify this, the applicant must conduct an inspection of the sidewalk and curbing along both frontages and provide details on which portions are in satisfactory condition and which portions should be replaced. Per staff inspection, the curbing must be entirely replaced. The sidewalk is in satisfactory condition. The applicant must provide raised driveway aprons, per County detail (attached), at all site driveways. The raised aprons must be indicated at all site driveways, including the Lackawanna Avenue driveway. The aprons on McBride Avenue must have flares, as per the detail, instead of the proposed curb radii. The applicant must provide double yellow centerlines, 25 feet in length, at all site driveways. All striping must be noted as thermoplastic. The striping must all be labelled. The stop bars must be labelled as 12 inches and "white". The centerlines must be labelled as 24 inches and "double yellow". The MUTCD code of the "STOP" signs must be noted.

The Lackawanna Avenue driveway must be re-designed to physically prohibit both left-out and right-in turns. Appropriate signing must be provided to enforce the prohibition. For the right turn in on Lackawanna that is to be prohibited, there is still a curb radius present. This must be redesigned to reflect that right-in turns are prohibited. The size of the concrete island for the left-out turn prohibition must be increased. Signing must be provided for the right-in turn prohibition, on the left side (in the island). The applicant must submit truck turning templates in order to justify the proposed dimensions of the driveways along McBride Avenue and Lackawanna Avenue. Any driveways not proposed to be open to truck traffic shall be signed to prohibit use by trucks. The turning templates must show the truck turning movements for right turns into both McBride Avenue driveways. The applicant has proposed to shift two seconds of "green" signal time from McBride to Lackawanna in order to address an existing condition. The applicant must coordinate with the Borough to reprogram the traffic signal. The applicant shall arrange with the Borough of Woodland Park to modify the signal timing at the intersection of Lackawanna/McBride, in order that two seconds are shifted from McBride Avenue to Lackawanna Avenue (this shall be added as a note on sheet 3 of the site plan set, surrounded by a "cloud" outline, in a large font, with a leader arrow pointing to the intersection). The applicant must submit copies of all required NJDEP permits. The referenced Freshwater Wetlands Permit must be provided upon approval. Prior to the release of any Highway Opening & Use Permit bonds associated with this application, the applicant must provide as-built plans verifying that all required improvements have been constructed to plan. The applicant must provide the Corridor Enhancement Fee of \$25,532.00 payable to Passaic County.

Peggy Steinhauser, project manager for the applicant, was sworn in. Joe Staigar, traffic engineer for the applicant, was sworn in. Commissioner Edmond inquired about left turns into the Lackawanna Avenue driveway, and wanted the applicant to verify that a driver has appropriate sight distance to make the turn. Joe Staigar asked that the turn prohibition on the Lackawanna Avenue be reconsidered. Peggy Steinhauser informed the board that the applicant had received written confirmation from Woodland Park to vacate the paper roads on site.

County Engineer Pera asked that the dimension of the driveway between the edge of the driveway and the adjacent property line on Lackawanna Avenue be added to the plans to show the 10-foot offset requirement.

Commissioner Edmond made a motion to **withhold approval** to the application. The motion was seconded by Commissioner Gervens. The motion passed unanimously.

SP-20-021 – Prop. Construction Storage – 1323-1327 Ringwood Avenue, Wanaque

This is a new site plan application in which the applicant has proposed to demolish an existing garage and construct a 2,200 sq. ft. steel garage structure. The applicant has proposed that half of the structure be used for the storage of commercial construction equipment, and that the other half be reserved for use by the renters of the residential units on-site. There are two existing dwellings on the site. The applicant has proposed to construct a parking lot to the rear of the dwelling.

Access to the site will be via a driveway entrance along Ringwood Avenue. The residential buildings on the site both share the same driveway entrance. The applicant has proposed 12 parking spaces. There is an existing sidewalk along the frontage of the site.

Regarding the drainage, the applicant has proposed to connect the garage's roof leaders to a light duty seepage pit. The parking lot will slope towards an inlet that will lead to a heavy duty seepage pit. The site slopes away from the County right-of-way. There are existing shade trees along the Ringwood Avenue frontage of the site.

Staff explained there are conditions that must be met before the application is granted conditional approval. The right-of-way width of the Ringwood Avenue must be noted in the plans. A 12-inch, white stop bar, a "STOP" sign, and a 24-inch, double yellow centerline must be provided at the site driveway. The driveway slope of 6.5% is too steep. The applicant must provide a profile indicating a maximum slope of 2% for the first 50 feet back from the right-of-way line. The existing landscaping must be shown on the plans. The applicant must submit any required NJDEP permits. The applicant must provide the Corridor Enhancement fee of \$2,994 payable to Passaic County.

Joe Barbarilla, counsel for the applicant, agreed with the department's comments.

Commissioner Edmond requested that a condition be added where the applicant will agree to a hold harmless agreement should any water or debris spill from the county right of way onto their property.

Freeholder Lepore made a motion to grant **conditional approval** to the application. The motion was seconded by Commissioner Metzler. The motion passed unanimously.

SP-20-022 – Pompton Lakes Towne Square – 1-55 Wanaque Avenue, Pompton Lakes

This is a new site plan application in which the applicant has proposed to renovate an existing shopping center and construct a new standalone structure. No demolition is proposed. The applicant has proposed to convert portions of the existing shopping center into a 20,128 sq. ft. grocery store and a four-story 94,014 sq. ft. self-storage facility. The applicant has also proposed the construction of a 3,000 sq. ft. free standing retail building in the existing parking area.

Access to the site will occur via several existing driveway entrances along Wanaque Avenue and Ringwood Avenue. The main driveway entrance to the site has an entrance lane and designated lanes for left and right turns onto Wanaque Avenue. Two entrance-only driveways exist to the east and west of the main driveway. An exit-only driveway exists on Ringwood Avenue. The proposed changes will reduce the total number of parking spaces on the site from 509 to 453 spaces. A circulation and parking assessment report have been submitted.

Regarding the drainage, the applicant has proposed to connect all roof leaders and inlets into the existing drainage system, with connections to the system along Wanaque Avenue. A stormwater report has been submitted. The applicant has not proposed any changes to the sidewalk, which is in good condition, or any additional landscaping along the site's frontage.

Staff explained there are conditions that must be met before the application is granted conditional approval. The width of the Wanaque Avenue right-of-way must be noted on the plans. If the width varies, all variations must be noted in the correct location. The plans must show the pipes leading to the RCP with an INV. of 196.55. It must be explained why the plans show a drainage pipe connecting into the irrigation system. The applicant must provide Corridor Enhancement Fee of \$20,118.00 payable to Passaic County. Staff recommend that this fee be reduced by the Board.

Mark Summeraro, counsel for the applicant, addressed some of the comments made by staff. He asked the planning board to consider removing comment regarding the installation of detectable warning surfaces at the one-way driveway entrance on Wanaque Avenue between the signalized driveway and Ringwood Avenue, and the TD Bank exit driveway onto Ringwood Avenue, as he believes that the comments should pertain to the portions of the site being renovated. James Henry, engineer for the applicant, was sworn in. James Henry addressed comments regarding the pipes leading to the RCP connection and a separate pipe connecting to the drainage system and elaborated that the applicant is not disturbing an existing pipe. County Engineer Pera requested that the applicant clarify this on the plans in future submissions. Commissioner Martinique inquired about the applicant's resistance to adding detectable warning surfaces. After discussion, Mark Summeraro retracted his removal request and the comment stands. Commissioner Gervens added that he believes the site will reduce traffic on the site.

County Engineer Pera made a motion to grant **conditional approval** to the application. The motion was seconded by Commissioner Edmond. The motion passed unanimously.

SP-20-023 – Prop. Retail Development – 809-813 Riverview Drive, Totowa

Commissioner Edmond left the meeting for this application. Counselor Shabbir Shabhadin replaced Planning Board Counsel John Abdelhadi and was introduced at the meeting before the presentation and testimony for this site plan.

This is a new site plan application in which the applicant has proposed to demolish existing structures in order to construct a new convenience store, gas station, and restaurant. The applicant has proposed the demolition of four (4) existing structures, and the consolidation of five (5) contiguous lots into one lot. The site will include a 5,670 sq. ft. convenience store and filling station with 10 pumps, a 3,555 sq. ft. drive-through restaurant, and a 6,890 sq. ft. gas canopy.

Access to the site will occur via two driveway entrances; one on Riverview Drive and one on Minnisink Road. The Riverview Road driveway exit has been proposed to be restricted to right turns only. The Minnisink Road driveway exit has two proposed exit lanes. One lane will be restricted to left turns only. All parking lots and structures on site are proposed to be connected by internal driveways. The proposed on-site parking will total 69 parking spaces, an increase from the existing 30 spaces. A traffic report has been submitted. There is no existing or proposed sidewalk along most of the frontage of the site. The portion of the right-of-way adjacent to the corner is under NJDOT jurisdiction.

Regarding the drainage, the applicant has proposed to connect all roof leaders and inlets into the Riverview Drive drainage system. A stormwater report has been submitted. The applicant has proposed to plant "Autumn Brilliance" serviceberries and red maple trees along the frontage of the site.

Staff explained there are conditions that must be met before the application is granted conditional approval. The applicant must note the limits of County and NJDOT jurisdiction along Minnisink Road and Riverview Drive. The applicant must provide new sidewalk and curbing along the entire frontage of the site, including along the NJDOT right-of-way. County staff will coordinate with NJDOT on the appropriate location of the sidewalk along that section of the frontage. The sidewalk on Riverview Drive must connect to the sidewalk along the frontage of Lot 6.01. The applicant should coordinate with County staff to verify the location and dimensions. A zero throat width concrete island must be constructed at the Riverview Drive driveway in order to enforce the left-turn prohibition. The island must include a raised sidewalk. The curbing and right-of-way on both sides of Riverview Drive must be shown on the plans. The "Variable R-O-W" note must be removed and replaced with notes for each right-of-way width in the correct locations. The applicant must provide four "NO LEFT TURNS" (R3-2) signs, two on each side of the Riverview Drive driveway. All striping must be labeled: the stop bars must be 12 inches and white, the centerlines must be 24 inches and double yellow. All striping must be noted as thermoplastic. The applicant must provide a signal plan for the replacement signal at the intersection of Minnisink Road and the Route 46 westbound ramp. The plan must include existing and proposed timing. NJDOT approval is required for this new signal. The intersection will be significantly affected – for example, during the PM peak hour, on eastbound Minnisink Road, delays are expected to more than double from 15 seconds to 31 seconds. The applicant must provide driveway profiles, with a 2% maximum slope for the first 50 feet back from the right-of-way line. Table 7 shows the peak discharges for the proposed drainage areas are less than existing, but the regulations require (as is acknowledged in the drainage report) that the discharge at all times along the hydrograph must be less than existing. This info may be included in Appendix C – but it must be shown in the body of the report. In Appendix D, the drainage maps must better define the boundaries. The ridgelines are not always the boundary as some drainage pipes flow past the ridgeline. The applicant must provide additional shade trees along the County frontage of the site. The applicant must provide a Corridor Enhancement Fee payable to Passaic County. This fee will be based off of the frontage under County jurisdiction, as per the jurisdictional map.

Mark Summeraro, counsel for the applicant, addressed some comments made by the staff. John Corak, engineer for the applicant, was sworn in. He explained the applicant will have to seek an ADA waiver for ramp improvements in order to accommodate the sidewalk along the roadway frontage. Mr. Corak explained the applicant will review the truck turning movements, and that the applicant will review the drainage comment. Mark Summeraro commented that he will be sending a request to reduce the corridor enhancement fee for the site.

Commissioner Martinique made a motion to **withhold approval** to the application. The motion was seconded by County Engineer Pera. The motion passed unanimously.

OLD BUSINESS – None.

NEW BUSINESS – None.

CORRESPONDENCE – None.

RESOLUTIONS

ADJOURNMENT: Commissioner Gervens made a motion to adjourn the meeting at 6:54 PM that was seconded by Freeholder Lepore. The motion passed unanimously.

Respectfully submitted,

Salvatore Presti for

A handwritten signature in cursive script that reads "Salvatore Presti".

MICHAEL LYSICATOS