



**PASSAIC COUNTY PLANNING BOARD  
MINUTES OF A REGULAR MEETING  
Thursday, March 10<sup>th</sup>, 2022  
WebEx Meeting**

Chair Metzler 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 call the roll.

**MEMBERS PRESENT:** Joseph Metzler, Chair; Stephen Martinique, Vice Chair (left at 6:51pm); William Gervens, Commissioner; Nakima Redmon, Commissioner; Kenneth Simpson, Commissioner; County Engineer, Jonathan Pera; Steve Edmond, Commissioner Alternate (voting for Commissioner Diaz); County Commissioner Terry Duffy.

**OTHERS PRESENT:** John Abdelhadi, Planning Board Counsel; Michael Lysicatos, Planning Director/Board Secretary; Andras Holzmann, Supervising Planner; Jason Miranda, Senior Planner; Salvatore Presti, Assistant Planner

**MINUTES:** A motion to adopt the minutes of the February 24<sup>th</sup>, 2022, Planning Board Meeting was made by Commissioner Redmon and seconded by Commissioner Gervens. Commissioners Edmond, Martinique, Pera, Redmon, and Simpson abstained. The motioned passed unanimously.

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

- A resolution to resume in-person meeting will be voted on at the next Planning Board meeting on March 24<sup>th</sup>. The first in person meeting will be April 21<sup>st</sup>, 2022. Notice of the updated time and location will be posted ahead of the meeting.

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

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

**DEVELOPMENT REVIEW**

**SP-21-058 – Proposed Grocery Store – 2-10 Wagaraw Road, Hawthorne**

Staff explained that this is a previously withheld site plan application in which the applicant has proposed to construct a grocery store at the site of an existing gas station. The site has frontage along Wagaraw Road in Hawthorne. The applicant has proposed to re-subdivide the five (5) existing lots on the site into three (3) lots under a separate minor subdivision application (SU-21-017). This application was withheld on October 28<sup>th</sup>, 2021 with 24 conditions.

The applicant has proposed to construct a 39,426 sq. ft. grocery store on the site. The proposed grocery store and accompanying parking lot will be constructed on a proposed Lot B. The applicant has proposed to construct a surface parking lot with a total of 156 parking spaces. The

applicant has indicated that 19 parking spaces on proposed Lot C will remain under existing condition and will not be used as part of the main parking lot. The parking lot will have access to Wagaraw Road via two full access driveways, including a driveway at the signalized intersection of Goffle Road, Wagaraw Road, and Mohawk Drive. The applicant has proposed modifications to the traffic signal timing. The applicant has proposed to replace and install sidewalk and curbing along Wagaraw Road.

Regarding drainage, the applicant has proposed to install inlets in the proposed parking lot. The applicant has indicated that a portion of the parking lot will be paved with pervious pavement. The applicant has proposed to install an inlet at the northerly driveway exit. All inlets and roof leaders will connect to a proposed above ground storm basin. The storm basin will discharge into the nearby Goffle Brook. The applicant has also proposed to plant eight (8) Acer Rubrum 'Bowhall' trees and various shrubs along the Wagaraw Road frontage.

Staff explained that there were conditions that must be satisfied before the application could receive an unconditional approval. The crosswalk across Wagaraw Road, at the intersection with Mohawk Street, must be striped as per the continental-style. For the additional curb ramp and crosswalk across Goffle Road to the east of the intersection, the applicant must label the curb ramp and continental-style crosswalk on the plan set. The applicant has requested a design waiver to allow for two full-access driveways along the Wagaraw Road frontage. Based on the submitted justification, the waiver is recommended by staff. Left turns shall be prohibited out of the unsignalized driveway. The cover letter and site plan still reflect that all movements are allowed, and must be revised.

A 50-foot centerline must be installed at the unsignalized driveway. The plans indicate a 30-foot centerline. The centerline must be labelled, and be noted as thermoplastic. All striping shall be noted as thermoplastic. The left turn lane, into the unsignalized driveway, must be dimensioned on the site plan. Exiting trucks shall not be permitted to maneuver in the entrance portion of the unsignalized driveway. The applicant must install signs and request an ordinance to restrict truck movements to those shown on the plan. The applicant's response letter states that signing is proposed, but nothing is indicated on the plan. The applicant did not submit copy of a request for a local ordinance on truck restrictions. The two truck per day maximum must be noted on the plan.

The signal plan set must clearly differentiate between the existing and proposed improvements. Additionally, the signal plan set must also include an electrical plan. The applicant shall coordinate with the Borough of Hawthorne on ownership and maintenance of the signal. The applicant shall enter into a tri-party jurisdictional agreement regarding the implementation of the signal changes, as well as jurisdiction and maintenance responsibility for the signal. This includes any changes or additions to existing equipment. The applicant must submit a profile of the unsignalized driveway. A trench drain shall be installed at the end of the unsignalized driveway to prevent runoff from entering Wagaraw Road. In the gutter analysis calculation, the applicant must clarify what the drainage area of 0.677 acres is calculated from. Further, the gutter spread shall not be permitted to flood more than one-third of the bike lane. The applicant must submit copies of any required NJDEP permits. The applicant must specify when any gas

tanks were removed from the property. The applicant must provide the Corridor Enhancement Fee of \$12,626.00 payable to Passaic County.

Commissioner Pera expanded on several comments:

- Comment #6: The turning radius at the driveway will cause a conflict with traffic using the driveway on the neighboring property. A 10-foot offset must be provided at the right-of-way line.
- Comment #12: The applicant must provide additional clarification on the proposed truck circulation.
- Comment #25: This comment, requiring submission of driveway profiles, shall apply to both driveways.

The applicant's attorney, Jerome Vogel, was sworn in by Board Counsel Abdelhadi. Mr. Vogel called on Joseph Holzapfel, the civil engineer for the project. Mr. Holzapfel was sworn in and accepted as an expert witness in Civil Engineering. Mr. Holzapfel stated that the applicant would attempt to move the unsignalized driveway away from the side property line without impacting other features of the site such as parking. Mr. Holzapfel stated that the grocery store would be open from 8am-9pm. Deliveries would take place between 5am-8am. County Engineer Pera expressed concern with potential conflicts between employees and delivery vehicles, given that deliveries could be leaving the site as employees arrive for the 8am opening.

Mr. Vogel called on John Harter, the traffic engineer for the project. Mr. Harter was sworn in and accepted as an expert witness in Traffic Engineering. Mr. Harter provided testimony in support of left-out turns being permitted at the unsignalized driveway.

Additionally, Mr. Vogel called on Charles Shotmeyer, the applicant and the owner of the property. Mr. Shotmeyer was sworn in and testified in support of left-out turns being permitted at the unsignalized driveway. Mr. Shotmeyer requested a design waiver to allow for the movement. A waiver will require the submission of a written justification for consideration by the Board.

Chair Metzler requested that a recommendation be added that the applicant consider installing a fire hydrant on the site, which will involve coordination with the Hawthorne Fire Department.

The applicant's representatives were agreeable to the remaining conditions.

The requested design waiver will be considered by the Board upon receipt of a full waiver request from the applicant for the requested left-out turn at the unsignalized driveway.

A motion was made by Commissioner Redmon to open the floor to public comment. Commissioner Gervens seconded the motion. The motion passed unanimously.

A motion was made by Vice Chair Martinique to close the floor to public comment. Commissioner Redmon seconded the motion. The motion passed unanimously.

County Commissioner Duffy made a motion to grant **conditional approval** to this site plan application. The motion was seconded by Vice Chair Martinique. The motion passed unanimously.

**SU-21-017 – 2-10 Wagaraw Road Subdivision – 2-10 Wagaraw Road, Hawthorne**

Staff explained that this is a previously withheld minor subdivision in which the applicant has proposed to re-subdivide the five (5) existing lots into a total of three (3) lots. The property has frontage along Wagaraw Road in Hawthorne. The applicant has also filed a site plan for a proposed grocery store on the property as a separate application (SP-21-058). This minor subdivision was withheld on October 28<sup>th</sup>, 2021 with 6 conditions.

The applicant has proposed to install a driveway at the signalized intersection of Goffle Road, Wagaraw Road, and Mohawk Road, with a new lot line to be established through the center of the driveway. The area to the west of the driveway will be retained by the current owner as Lot C. The area to the east of the driveway will be the site of a future grocery store as Lot B. The remainder of the property, including a rental truck facility, will be part of Lot A. The applicant has included a fifteen (15) foot wide cross easement for the shared driveway between Lots 16.02 and 16.03.

As previously indicated the plans show that there will be a shared driveway between proposed Lots B and C. Additionally, drainage from proposed Lots B and C is to be conveyed through Lot B to an outlet on proposed Lot A. The applicant has shown drainage easements between lots 16.01 and 16.02, and lots 16.02 and 16.03 on the subdivision plan.

Staff explained that there were conditions that must be satisfied before the application could receive an unconditional approval. The applicant shall submit an easement to accommodate any portions of the Wagaraw Road sidewalk that would be located within the boundaries of the properties being subdivided. The easement shall be provided to the Borough of Hawthorne. All easements must be shown on the subdivision plat.

No comments were made by members of the Board.

Vice Chair Martinique made a motion to grant **conditional approval** to this minor subdivision application. The motion was seconded by Commissioner Redmon. The motion passed unanimously.

**SP-22-007 – Proposed Industrial Warehouse – 30 Union Avenue, Wanaque**

Staff explained that this is a new site plan application in which the applicant has proposed to construct a 272,000 sq. ft. warehouse building with office space on vacant land. The site is heavily forested under current conditions. The applicant has proposed to re-grade a large section of mountainous terrain to accommodate the proposed warehouse. The site will have frontage along Union Avenue (CR 511) in Wanaque.

The site will have 144 parking spaces across several parking areas. The applicant will also have 34 parking spaces for trailers. The site will have access to Union Avenue via one (1) full-access

driveway. Interior driveways connect all the parking lots to the main access driveway. There is no sidewalk proposed along the site frontage.

Regarding drainage, the applicant has proposed to connect all roof leaders and inlets to several bioretention basins and underground infiltration basins on the site. Inlets are provided on both sides of the Union Avenue driveway. The inlets will connect to riprap, which will expel the stormwater into a non-basin area near the County right-of-way. The trailer parking area will have inlets that connect into a bioretention basin near the trailer parking area. An outlet will connect the bioretention basin to a secondary bioretention basin.

The inlets and roof leaders of the main building will connect to several underground infiltration basins under the parking lot. The westernmost infiltration basin will connect to an above-ground bioretention basin near the main building. The applicant has proposed to plant a variety of shade trees throughout the site and along the site frontage.

Staff explained that there were conditions that must be satisfied before the application could receive an unconditional approval. The applicant must install both sidewalk and curbing along the site frontage. Curbing must be constructed to County detail. A double line for all proposed curbing must be shown on the plans. The traffic study uses trip generation figures from a generic warehouse use. This results in only 43 trips entering the site during the peak hour, and also 43 trips leaving the site in the peak hour. However, the actual trips generated may be far greater. The number of loading docks proposed, 82, is far above what the local Ordinance requires (15). The applicant must supply trip generation figures for the actual user, based on actual trip generation studies performed at comparable sites owned or operated by the actual user.

Separate right and left turn lanes to exit the site driveway are not permitted unless a traffic signal is present. A traffic signal is not justified based on the submitted traffic study, but this is subject to change. A driveway profile must be submitted. The contours indicate that the proposed slope will be 6.7% for the first 50 feet back from the County right-of-way line, which is unacceptable. The applicant must provide stations on the driveway profile, and label each drainage structure with station and offset. There is a proposed ditch basin D-1 on sheet C-010, but no corresponding grading on the grading plan. The applicant must provide an analysis of all drainage structures in the pavement in order to demonstrate that there will be no bypass flow into Union Avenue. The applicant must provide an analysis of outflows from the four (4) outfalls within 400 feet of Union Avenue in order to demonstrate that no outflows will reach Union Avenue. The applicant must provide a narrative detailing under what circumstances Basin B-1 could become overtopped, since this would directly impact Union Avenue.

The applicant must have a mechanism for drainage maintenance to ensure that in the event of failure, no stormwater flows into the County right-of-way. The applicant must submit any existing or proposed reforestation plans. The applicant must submit copy of any correspondence from NJDEP regarding a Highlands Permit. The applicant must submit copy of any required NJDEP permits. The applicant must provide the Corridor Enhancement Fee of \$21,621.00 payable to Passaic County.

Commissioner Edmond questioned if the site is in the Highlands Preservation Area. Planning Director Lysicatos clarified that it is in the Highlands Planning Area, but not in the Highlands Preservation Area.

County Engineer Pera requested that three (3) comments be added:

1. The applicant shall submit all details for the proposed retaining wall, including a footing detail showing the footings of the wall in proximity to the Union Avenue right-of-way line.
2. The contour lines on the plans shall be labelled to a greater extent to indicate drainage flows on the site.
3. The applicant shall install a trench drain at the end of the site driveway, adjacent to Union Avenue.

Planning Director Lysicatos added that the applicant shall submit, upon completion, a full geotechnical investigation, as well as all details and exhibits for the rock cutting necessary for the proposed retaining wall.

Arthur Kuyan, the civil engineer for the project, was sworn in and accepted as an expert witness in Civil Engineering. Mr. Kuyan provided testimony on the proposed retaining wall. An exhibit (A), Conceptual Retaining Wall Evaluation, was provided in support of the testimony.

Mr. Kuyan asked that the Board consider a waiver request from providing a sidewalk along the frontage of the site. This is based on the rock cutting that would be necessary, as well as additional NJDEP permitting requirements that would be imposed. The applicant will need to provide a full written justification in support of a design waiver, for consideration by the Board at a future meeting.

The applicant's representatives were agreeable to the remaining conditions.

A motion was made by Vice Chair Martinique open the floor to the public comment. County Commissioner Duffy seconded the motion. The motion passed unanimously.

A motion was made by Vice Chair Martinique to close the floor to the public comment. Commissioner Redmon seconded the motion. The motion passed unanimously.

Commissioner Redmon made a motion to **withhold** approval of this site plan application. The motion was seconded by Commissioner Simpson. The motion passed unanimously.

Vice Chair Martinique left the meeting at 6:51pm.

**SU-22-004 – Wanaque Depo Urban Renewal Subdivision – 30 Union Avenue, Wanaque**

Staff explained that this is a new minor subdivision application in which the applicant has proposed to re-subdivide four (4) existing lots into two (2) lots. The two (2) lots will also have their lot line adjusted. An existing single-family home, with a driveway to Union Avenue, will remain on proposed Lot 13.01. The applicant has proposed to construct a warehouse on proposed

Lot 13.02 under a separate site plan application (SP-22-007). The property has frontage along Union Avenue (CR 511) in Wanaque.

Staff explained that there were conditions that must be satisfied before the application could receive an unconditional approval. The plat must show the property line running across the entire frontage of the site to the adjacent lot on the easterly side of the plan. The following comments pertain to the existing driveway on proposed Lot 13.01: Adequate sight distance must be indicated. An on-site turnaround must be provided. A driveway profile must be provided.

Commissioner Edmond requested that the Master Plan right-of-way of 66 feet be indicated on the subdivision plat.

No other comments were made by members of the Board.

Commissioner Simpson made a motion to **withhold** approval of this minor subdivision application. The motion was seconded by Commissioner Gervens. The motion passed unanimously, with County Commissioner Duffy abstaining.

**SP-21-032 – Proposed Art Gallery (PACC) – 386-390 Lakeview Avenue, Clifton**

Board Counsel Abdelhadi recused himself from the review of this application at 6:58pm.

Staff explained that this is a previously withheld site plan application in which the applicant has proposed to demolish an existing building on the site and to construct a two-story art gallery. The existing building will be removed, but the foundations will be used for the construction of the new building. The proposed building will have a 1,661 sq. ft. footprint. The site has frontage along Lakeview Avenue and East Fifth Street (municipal) in Clifton. This application was withheld by the Board on December 16<sup>th</sup>, 2021.

The site will have access via a driveway on E. Fifth Street. The site will have a total of 13 parking spaces on site. The applicant has proposed to maintain the existing curb cut and driveway apron on E. Fifth Street. There is an existing drop curb on the Lakeview Avenue frontage, which will be removed. The applicant has agreed to install full-height curbing and to plant a grass strip between the sidewalk and roadway.

Regarding drainage, the applicant has proposed to install three (3) drywells on the site. The applicant has also proposed to install a trench drain adjacent to the property line along the edge of the parking lot. The trench drain and all roof leaders will connect to the proposed dry well system. The site is sloped steeply towards the County right-of-way. The applicant has proposed to plant a single shade tree along the Lakeview Avenue frontage, in an existing tree pit.

Staff explained that there were conditions that must be satisfied before the application could receive an unconditional approval. The applicant must submit copies of the referenced survey by Morgan Surveying. The following comments pertaining to drainage were not addressed: The submitted drainage calculations only show the volume of the proposed system – no info is

provided on how much flow will be generated by the site. The drainage calculations must show that there will be no bypass of the trench drain.

The applicant will be provided with an acceptable list of shade trees, approved by the City of Clifton, that can be used for the proposed shade tree. The species must be labelled on the plan. The applicant must submit an application (attached) for an Encroachment Permit to permit the existing encroachments (brick walls, stoop, canopy, sign) on Lot 15 to remain. The Encroachment Permit will be subject to the approval of the Board of County Commissioners. The Corridor Enhancement Fee of \$1,502.00 must be provided payable to Passaic County.

No comments were made by members of the Board.

County Commissioner Duffy made a motion to grant **conditional approval** to this site plan application. The motion was seconded by Commissioner Edmond. The motion passed unanimously.

**SP-22-006 – A&A Line Wire Corporation – 195 Allwood Road, Clifton**

Board Counsel Abdelhadi returned to the meeting at 7:06pm.

Staff explained that this is a new site plan application in which the applicant has proposed to expand an existing use to occupy 12,000 sq. ft. of vacant space in an existing building. The applicant intends to use the new space as warehouse. No construction or exterior changes are proposed to the existing building. The site has frontage along Allwood Road (CR 602) in Clifton.

The site has a nine (9) space parking lot that is to remain unchanged. The parking lot has access via Ardmore Avenue, a municipal street. The site has additional frontage, but no access, along Route 3. No driveways are proposed along Allwood Road. There is existing sidewalk and curbing along the Allwood Road frontage of the site. The applicant has not provided any information on site drainage. No drainage details are shown on the submitted plans.

Staff explained that there were conditions that must be satisfied before the application could receive an unconditional approval. The name and address of the applicant and the owner must be noted on the site plan. The applicant must show and label on the site plan all sidewalks, curbing, and streetscaping along the site's frontage along Allwood Road. The applicant must replace the existing curb ramp at the Ardmore Avenue intersection. Upon completion of the work and prior to the release of any bonds associated with the County permit, signed certification must be submitted by a licensed professional that the ramp is ADA-compliant. The applicant shall submit a positive drainage plan. No runoff shall be permitted to enter Allwood Road. The applicant shall plant shade trees along the Allwood Road frontage of the site. The Corridor Enhancement Fee of \$2,024.00 must be provided payable to Passaic County.

No comments were made by members of the Board.

Commissioner Simpson made a motion to **withhold** approval of this site plan application. The motion was seconded by Commissioner Gervens. The motion passed unanimously.



**OLD BUSINESS – None.**

**NEW BUSINESS – None.**

**CORRESPONDENCE – None.**

**ADJOURNMENT:** Commissioner Gervens made a motion to adjourn the meeting at 7:10 PM that was seconded by Chair Metzler. The motion passed unanimously.

Respectfully submitted,

Jason Miranda for

A handwritten signature in cursive script that reads "Jason Miranda".

MICHAEL LYSICATOS