



**PASSAIC COUNTY PLANNING BOARD
MINUTES OF A REGULAR MEETING
Thursday, April 20th, 2023
401 Grand Street, Room 220, Paterson, NJ 07505**

Chair Metzler opened the meeting at 5:34 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; Kenneth Simpson, Vice Chair; Nakima Redmon, Commissioner; Steven Edmond, Commissioner; Jonathan Pera, County Engineer; Terry Duffy, County Commissioner; Orlando Cruz, County Commissioner

BOARD PROFESSIONALS PRESENT: John Abdelhadi, Planning Board Counsel; Jason Miranda, Senior Planner

MINUTES: A motion to adopt the minutes of the March 30th, 2023 Planning Board Meeting was made by Vice Chair Simpson and seconded by Commissioner Edmond. The motioned passed unanimously, with Commissioner Redmon abstaining.

PLANNING DIRECTOR'S REPORT: Planning Director Holzmann was absent from the meeting and will be giving a director's report to the board on the May 11th meeting.

PUBLIC PORTION:

Vice Chair Simpson made a motion to open the meeting to the public which was seconded by Commissioner Redmon. The motion passed unanimously.

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

DEVELOPMENT REVIEW

SP-23-017 – Tesla EV Charging Stations (Wawa Convenience Store) – 1512 Route 23, Wayne

Staff explained that this is a new site plan application in which the applicant has proposed to construct eight (8) Tesla electric vehicle charging stations in the parking lot of a Wawa convenience store and gas station. The applicant has proposed to install charger cabinets and a transformer to support the charging stations. The proposed Wawa was granted unconditional approval by the Board as part of a previous site plan application (SP-21-033), and is currently under construction. No modifications to the proposed Wawa site plan, outside of the charging stations with support infrastructure, are proposed. The site was approved for 48 parking spaces, and will now have 40 non-charging spaces. Inlets from the site connect into the drainage systems under Cedar Place (municipal) and Route 23 (State). The site does not have frontage along any County roadway.

The submitted site plan has been reviewed by staff, and it has been determined that the site plan poses no impact to any County facilities. The application is recommended for approval.

The board made no comments.

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

No comments were made by the public.

Seeing no one, a motion was made by County Commissioner Duffy to close the floor to public comment. Commissioner Redmon seconded the motion. The motion passed unanimously.

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

SP-22-054 – Proposed Addition (EMB 561, LLC) – 561 Van Houten Avenue, Clifton

Staff explained that this is a previously withheld site plan application in which the applicant has proposed to convert an existing 1,956 sq. ft. mixed-used building into a 2,137 sq. ft. multi-family residential building with six (6) dwelling units. The site has frontage along Van Houten Avenue (CR 614) in Clifton.

The applicant has proposed to reduce the number of parking spaces in the existing parking lot from 19 to 13. The applicant has proposed to close the existing driveway on Van Houten Avenue (CR 614) and have all parking lot access be via a full-access driveway on Dick Street (a municipal road). The applicant has proposed to replace the sidewalk and curbing along the Van Houten Avenue (CR 614) frontage. The applicant has also proposed to install a three (3) foot grass strip along the Van Houten Avenue frontage. Regarding drainage, the applicant has indicated that all roof leaders and inlets on the site will connect to a proposed retention system at the rear of the site. The plans indicate that the parking lot is sloped towards a pervious catch basin area at the rear of the site. The applicant has proposed to plant shrubs between their parking lot and the sidewalk.

Staff explained that there were conditions that must be satisfied before the application could receive an unconditional approval. The drainage system must be designed to retain a 25-year storm on the site. A percolation test must be completed and the results submitted prior to the issuance of an unconditional approval. The County shall defer to the City of Clifton requirements for the percolation test, the results of which must be provided once available. The applicant may be required to re-submit based on the results of the test.

The right-of-way line must be noted on the east/west elevation plans in order to indicate any existing or proposed encroachments into the Van Houten Avenue right-of-way. The existing steps, which encroach into the right-of-way, shall be removed. The footing detail appears to show building encroachments into the County right-of-way. If these are existing encroachments,

an encroachment permit application must be submitted for review. If these are proposed encroachments, they must be removed from the plan. The encroachment application has been submitted by the applicant, and is subject to the review and authorization of the Board of County Commissioners.

Commissioner Edmond asked for clarification on the county comments regarding drainage, which County Engineer Pera clarified.

Anthony Wizner, engineer for the applicant, was sworn in. He asked if it would be acceptable for the applicant to plant street trees along the proposed grass strip along the site frontage. County Engineer Pera responded that it would be acceptable.

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

No comments were made by the public.

Seeing no one, a motion was made by County Commissioner Duffy to close the floor to public comment. Commissioner Redmon seconded the motion. The motion passed unanimously.

Vice Chair Simpson made a motion to grant conditional approval to this site plan application. The motion was seconded by Commissioner Redmon. The motion passed unanimously.

SU-23-001 – Barone Subdivision – 26 Viewmont Terrace, Little Falls

Staff explained that this is a previously withheld minor subdivision application in which the applicant has proposed to subdivide an existing lot (28) in order to create a total of two (2) lots. The applicant has proposed to construct a new single-family dwelling on proposed Lot 28.01, which has frontage along Wilmore Road (CR 637).

The remainder Lot 28 will include an existing single-family dwelling with access to Viewmont Terrace, and a separate, common driveway that provides access to Wilmore Road for adjacent Lot 27 and 39. The new dwelling on Lot 28.01 will also have access to the common driveway, and will not have direct driveway access to Wilmore Road. The plans indicate a cross-easement for access and maintenance of the common driveway serving Lots 27, 39, and proposed Lot 28.01, but a copy of the easement was not submitted. There is no existing sidewalk or curbing along the Wilmore Road frontage, which is consistent with other properties in the area. The Wilmore Road driveway is located less than five (5) feet from the property line with Lot 27 to the north. However, Lot 27 is served by the driveway and the nearest driveway to the north is over 150 feet away.

The property is sloped towards Wilmore Road. The applicant has proposed to install a drywell adjacent to the proposed dwelling on Lot 28.01, but no pipe connections are indicated. The applicant has not proposed any drainage mitigation at the end of the driveway to prevent stormwater runoff to Wilmore Road.

Staff explained that there were conditions that must be satisfied before the application could receive an unconditional approval. The existing Wilmore Road driveway appears to provide access to homes on Lots 27 and 39, which are not part of this application. The applicant must provide a cross-access easement for the driveway. The referenced cross-access agreement must be submitted for review by staff. The applicant shall enter into an “if and when” agreement to install sidewalk and curbing along Wilmore Road, at a later date if and when requested by the County. An agreement template will be provided to the applicant for their review and signature. The existing Wilmore Road driveway must be dimensioned on the plat, including the distance to the nearest side property line. The applicant must submit a waiver request remain with a written justification, for consideration by the Board, for the location of the driveway within 10 feet of a side property line. The width must be measured at the property line, as it is narrower than the measurement location on the plan.

Adequate drainage must be provided at the right-of-way line of Wilmore Road, as the existing driveway is sloped towards the roadway. No runoff may enter the County right-of-way. The applicant shall submit drainage calculations. In addition to the proposed drywell, the applicant shall provide a trench drain at the Wilmore Road driveway (at the property line) and an additional drywell to accommodate it. No runoff is permitted to enter into the County right-of-way. The drywell shall be designed for the 25-year storm for a 1-hour duration and for the entire impervious area, not just the increase. The plan set must include a detail for the manhole castings.

The following note shall be added to the plan: “Upon obtaining the Certificate of Occupancy from the Township of Little Falls, the applicant must submit an inspection report from a professional engineer on the conditions of the stormwater system. The applicant shall address any recommendations, if any, within 90 calendar days of the report. The inspection report is to be performed and submitted every two (2) years to the Little Falls Construction Official and the Passaic County Planning Board.”

Commissioner Edmond raised a concern regarding the driveway and its encroachment on the neighbor’s property. County Engineer Pera stated that the applicant is being asked to provide a cross easement agreement that would allow the access onto the neighbor’s property.

John Veteri, attorney for the applicant, explained the conditions of the site. County Engineer Pera clarified the board’s comments.

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

No comments were made by the public.

Seeing no one, a motion was made by Commissioner Redmon to close the floor to public comment. County Commissioner Cruz seconded the motion. The motion passed unanimously.

Vice Chair Simpson made a motion to grant conditional approval to this site plan application. The motion was seconded by Commissioner Redmon. The motion passed unanimously.

SP-22-003 – Proposed Apartment Building – 191-193 West Broadway, Paterson

Staff explained that this is a previously withheld site plan application in which the applicant has proposed to construct a three-story, 1,728 sq. ft., apartment building with four (4) dwelling units on a vacant lot. The site has frontage along West Broadway (CR 673) in Paterson. This application was withheld by the Board on December 21st, 2022. See the attached letter for details.

The applicant has indicated that there will be no parking on the site. The plans indicate that there will be two (2) roll-up doors along the site frontage that lead to a 360 sq. ft. utility/waste room. The applicant has indicated that the roll-up doors will be five (5) feet in width. The applicant has proposed to replace the depressed curbing along the site frontage with full-height curbing. The applicant has also proposed to replace the sidewalk along the site frontage.

Regarding drainage, the applicant has proposed to construct a seepage pit at the rear of the site. The applicant has also proposed to construct three (3) infiltration basins under the proposed building. The proposed infiltration basins will connect to the seepage pit at the rear of the site. The applicant has submitted test pit results for the proposed drainage system. Trench drains will be installed at the right-of-way line and across the two (2) walkways located on either side of the building. The trench drains will connect to the proposed infiltration basins. The applicant has proposed to install one (1) Allegheny Serviceberry tree along the site frontage.

The percolation test submitted by the applicant has been reviewed by staff and determined to be acceptable. All Board comments have been addressed. The application is recommended for unconditional approval.

The board made no comments.

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

No comments were made by the public.

Seeing no one, a motion was made by Commissioner Redmon to close the floor to public comment. County Commissioner Duffy seconded the motion. The motion passed unanimously.

Vice Chair Simpson made a motion to grant conditional approval to this site plan application. The motion was seconded by Commissioner Edmond. The motion passed with every Commissioner besides Commissioner Redmon voting for approval.

OLD BUSINESS – None.

NEW BUSINESS – None.

RESOLUTIONS – None.

CORRESPONDENCE – None.

ADJOURNMENT: County Commissioner Duffy made a motion to adjourn the meeting at 6:15 PM that was seconded by County Commissioner Cruz. The motion passed unanimously.

Respectfully submitted,
Salvatore Presti for



ANDRAS HOLZMANN