



**PASSAIC COUNTY PLANNING BOARD  
MINUTES OF A REGULAR MEETING  
February 22<sup>nd</sup>, 2024  
401 Grand Street, Room 220, Paterson, NJ 07505**

Chair Joseph Metzler opened the meeting at 5:38 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; Miguel Diaz, Vice Chair; Kenneth Simpson, Commissioner; Steve Edmond, Commissioner; Jonathan Pera, County Engineer; Orland Cruz, County Commissioner (arriving at 5:46 PM)

**BOARD PROFESSIONALS PRESENT:** County Counsel John Abdelhadi; Andras Holzmann, Planning Director; Salvatore Presti, Assistant Planner

**MINUTES:** A motion was made by Vice Chair Diaz to approve the minutes of the February 1<sup>st</sup>, 2024 Planning Board meeting. The motion was seconded by Commissioner Edmond. The motion passed.

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

- The Planning Department will be presenting an annual development review and corridor enhancement program summary for 2023 after regular development review.

**PUBLIC PORTION:**

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

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

**DEVELOPMENT REVIEW**

**SP-23-012 – Proposed Chipotle Restaurant – 1195 Paterson-Hamburg Turnpike, Wayne**

This is a previously withheld site plan application in which the applicant has proposed to construct a 2,325 sq. ft. Chipotle restaurant with drive-thru facilities on a commercial lot. The existing commercial building on the site will be demolished. The site has frontage along Paterson-Hamburg Turnpike (CR 504) in Wayne.

The site will have access via a right-in, right-out only driveway on Paterson-Hamburg Turnpike. The driveway is proposed to be partially located on adjacent Lot 105 to the west. The applicant has proposed an encroachment easement with the adjacent property owner and has requested a waiver to allow for a driveway within 10 feet of a side property line. Instead of a drive-thru, the applicant has proposed a mobile order pick-up window. The site will have a total of 27 parking spaces. The applicant has proposed to install wheel stops at the parking spaces along the frontage

to prevent vehicles from hanging over the County right-of-way. Sidewalk is proposed along the site frontage.

Regarding drainage, the applicant has proposed to utilize existing inlets on site to expel stormwater into a drainage easement at the rear of the site. The driveway has a slight slope towards the County right-of-way, with a high point roughly 30 feet from the right-of-way line. The remainder of the site drains away from the County roadway. The applicant has proposed to plant shade trees and shrubs throughout the site, but outside of the sight triangle of the driveway.

Staff explained that there were conditions that must be addressed before the application can received unconditional approval. An encroachment easement is currently being reviewed by staff. The applicant has submitted a waiver request to allow a driveway within ten (10) feet of the side property line. The applicant has submitted a draft deed of restriction that is currently being reviewed by staff.

Commissioner Edmond asked that wheel stops be added to the site plan to prevent cars from overhanging into the county right of way.

A motion was made by Vice Chair Diaz 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 County Commissioner Cruz to close the floor to public comment. Vice Chair Diaz seconded the motion. The motion passed unanimously.

A motion was made by Commissioner Edmond to grant a waiver to allow a driveway located within ten (10) feet of the side property line. Commissioner Simpson seconded the motion. The wavier passed unanimously and the waiver was granted.

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

**SP-23-021 – Green Paradise Therapy – 217A Paterson-Hamburg Turnpike, Bloomingdale**

Staff explained that This is a previously withheld site plan application in which the applicant has proposed to retrofit an existing 1,964 sq. ft. building into a cannabis dispensary. The site has frontage along Paterson-Hamburg Turnpike in Bloomingdale.

The applicant has proposed to remove the existing parking lot on site, and will instead utilize eight (8) on-street parking spaces along the site frontage. The existing on-site parking, which is being removed, requires vehicles to back out of the spaces directly into the roadway. The original parking lot will be replaced by a lawn area. The applicant has proposed to replace the sidewalk and curbing along the site frontage, and will install two (2) delineators and a depressed curb ramp along the parking area.

Regarding drainage, the applicant has indicated that all stormwater roof leaders will drain away from the County right-of-way, as the site is sloped away from Paterson-Hamburg Turnpike. The applicant has proposed to plant four (4) Eastern Redbud shade trees along the site frontage.

Staff explained that there were conditions that must be addressed before the application can received unconditional approval. The applicant shall provide permanent protection for the two (2) utility poles in and adjacent to the parallel parking area or coordinate with the utility to relocate the poles. A flexible delineator (ground-mounted) shall be indicated at the corners of the curbed bump outs (behind the curb). The western curb bump-out shall be modified around the utility pole, in order to allow street sweepers and snowplows to transition into the parallel parking spaces. If feasible, the curblines shall be modified to provide a smoother transition (similar to the eastern bump-out) around the utility pole.

The size, material, and location of utilities, within the two (2) utility manholes at the northwest corner of the building, shall be verified and added to the plans. The applicant shall verify the existing material and inverts within the manholes shown below. This information will be necessary, if the waiver request for the septic system encroachment is approved by the Board, to document if the two (2) structures are part of the septic system.

The plan includes a note: “reset cleanout to proposed grade” at the location of the proposed sidewalk. The applicant shall clarify what is being proposed in this location. The sidewalk has been removed from the plans in this location. This must be addressed by the applicant. Additionally, the applicant shall verify if any portion of the septic tank or system is located within the County right-of-way. *The septic system shall be removed entirely from the County right-of-way.* The applicant has submitted a waiver request to allow the existing septic system to remain partially within the County right-of-way. If the waiver request is accepted by the Board, the following conditions shall apply: At the end of life of the current septic system, any future replacements shall be made entirely outside of the County right-of-way. Inspections of the septic system shall be conducted on an annual basis and an inspection report issued by a New Jersey-licensed professional engineer.

Marsha Moore, attorney for the applicant, and John Corak, engineer for the applicant, were sworn in and explained the proposed site conditions and reason for requesting a waiver. The board requested that the applicant enter into an agreement with the county stating that it would not be the responsibility of the county to plow snow from the spots along the site frontage. The board also requested that the applicant enter into an agreement with the county stating that it would not be the responsibility of the county to paint or repaint the proposed parking spaces along the site frontage.

A motion was made by Chair Metzler to open the floor to public comment. Vice Chair Diaz seconded the motion. The motion passed unanimously.

No comments were made by the public.

Seeing no one, a motion was made by Chair Metzler to close the floor to public comment. Vice Chair Diaz seconded the motion. The motion passed unanimously.

A motion was made by Vice Chair Diaz to grant the requested waiver allowing a septic system in the county right of way under the stipulation that once the septic system reaches the end of its service life, the replacement is installed out of the county right of way, and that an inspection of the septic system by a New Jersey licensed professional engineer be conducted on an annual basis. Commissioner Simpson seconded the motion. The motion passed unanimously.

Commissioner Edmond made a motion grant conditional approval of this site plan application. The motion was seconded by Commissioner Simpson. The motion passed unanimously.

**SP-22-072 – Straight & Narrow Inc. – 410-420 Straight Street, Paterson**

Staff explained that this is a previously withheld site plan application in which the applicant has proposed to construct a 36,572 sq. ft. rehabilitation facility on a vacant lot. The facility will have a total of 50 dwelling units (halfway house bedrooms). The site has frontage along Straight Street (CR 647) in Paterson.

The site will have access via two driveways: a full-access driveway along Straight Street and Cedar Street, a partially vacated municipal road now being used by the facility. Access to the Cedar Street area will be controlled by two swinging chain link fences. The site will have a total of 50 dwelling units (halfway house bedrooms) and 119 parking spaces. The applicant has proposed to replace a portion of sidewalk and depressed curbing along the site frontage with new sidewalk and full-height curbing. Regarding drainage, the applicant has proposed to construct concrete swales on site to collect stormwater. The applicant has proposed to construct concrete swales at the driveway and intersection with Cedar Street to collect stormwater before it flows onto the county road. The applicant has proposed to plant seven (7) Acer Buergerianum (Trident Maple) trees along the site frontage.

Staff explained that there were conditions that must be addressed before the application can received unconditional approval. The proposed building may be partially located within the Master Plan right-of-way (60 feet) of Straight Street. The Master Plan right-of-way line must be indicated on the site plan in order to determine if any portion of the proposed building would encroach. The applicant's request for relief was discussed with staff but a formal waiver has not been granted. The applicant must submit a written waiver request for consideration by the Board. A wavier has been requested, justification has been presented in a letter. After review, staff recommends the waiver request.

The plans must include a driveway profile from the curb line to 50 feet into the property. The driveway slope shall be no greater than 2%. The driveway shall be re-graded to a 2% maximum grade for at least 50 feet beyond the right-of-way line. If deemed infeasible, the applicant shall re-construct the parking lot to the furthest extent feasible and may request a waiver with explanation of hardship on why the driveway grade should be allowed to exceed a 2% grade. The

right-of-way line must be shown on the profile. A waiver has been requested, justification has been presented in a letter. After review, staff recommends the waiver request.

The applicant shall provide a waiver request with explanation of hardship on why two (2) driveway access points are necessary on Straight Street. A waiver has been requested, justification has been presented. After review, staff recommends the waiver. The applicant shall reconstruct the access across former Cedar Street with sidewalk and a driveway with a raised driveway apron (i.e. eliminate the curb ramps that cross former Cedar Street). The driveway opening shall be dimensioned as a 24-foot in width at a minimum. The proposed grades shall be indicated across the new curb line to ensure there will be no ponding along the gutter line. The applicant has proposed constructing a raised apron, but shall submit the proposed grades.

The applicant shall dimension the driveway opening off the newly created property line as a result of the vacation of Cedar Street. No part of any driveway shall be located within 10 feet of a side property line; however, a driveway serving two (2) or more adjacent sites to be located on or within 10 feet of a side property line between the adjacent sites may be permitted. As such, the applicant shall provide a waiver request and explanation of hardship if the driveway at the vacated section of Cedar Street is within 10 feet of the property line. A waiver with justification has been presented. After review, staff recommends the waiver contingent on the cross-access agreement referenced in comment 2 being updated to reflect this change. The applicant shall provide a white stop bar (dimensioned 4-feet off the edge of sidewalk) and 50-foot-long double yellow centerline. Both shall be labeled as thermoplastic. The applicant shall dimension the double yellow center line on the site plan.

The applicant shall clean out the drainage structures filled with debris within the vacated portion of Cedar Street and update the survey with respect to the pipes within the clogged structures within the vacated portion of Cedar Street. Incomplete, must be performed before final approval is granted. The applicant shall clean out the drainage structures and pipe adjacent to Straight Street within the vacated portion of Cedar Street and reconstruct the structures as required. Incomplete, must be performed before final approval is granted. The applicant shall verify that the footings of the building will not encroach into the existing or Master Plan Straight Street right-of-way. The applicant shall provide updated architectural plans that demonstrates the proposed footing along Straight Street does not encroach into the County right-of-way. The Straight Street right-of-way line must be shown on the elevation view in the architectural drawings. There shall be no proposed encroachments into the County right-of-way, including the proposed future signage, overhangs and/or cornices. If the waiver for allowing the building into the master plan right of way is approved, this comment will automatically be completed.

The following people were sworn in: Jennifer Carrillo, attorney for the applicant; Justin Provencher, engineer for the applicant; Walter Nice, architect for the applicant; and Mike Protagliano, site operator. The applicant's presentation team presented exhibits explaining the waiver request for having the building encroach into the county master plan right of way. The applicant's presentation team addressed concerns for the board members and explained the operations and layout of the site.

A motion was made by Chair Metzler to open the floor to public comment. Vice Chair Diaz seconded the motion. The motion passed unanimously.

No comments were made by the public.

Seeing no one, a motion was made by Chair Metzler to close the floor to public comment. Vice Chair Diaz seconded the motion. The motion passed unanimously.

A motion to grant the waiver request allowing the proposed building to be constructed in the master plan right of way was made by County Commissioner Cruz. County Engineer Pera seconded the motion. The motion passed unanimously with Vice Chair Diaz and Commissioner Simpson abstaining and the waiver was granted.

A motion to grant the waiver request allowing the allowing a driveway to have a slope greater than 2% within the first 50 feet beyond the right of way line was made by Commissioner Simpson. The motion was seconded by Vice Chair Diaz. The motion passed unanimously, and the waiver was granted.

A motion to grant the waiver request allowing two (2) driveways on a county roadway when a municipal roadway is adjacent to the site was made by Vice Chair Diaz. The motion was seconded by County Commissioner Cruz. The motion passed unanimously, and the wavier was granted.

A motion to grant the waiver request allowing a driveway to be within ten (10) feet of a side property line was made by Commissioner Simpson. The motion was seconded by Vice Chair Diaz. The motion passed unanimously, and the waiver was granted.

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

**OLD BUSINESS – None.**

#### **NEW BUSINESS**

Assistant Planner Presti presented the Summary of 2023 Planning Board Activities and the 2023 Corridor Enhancement Program Report.

**CORRESPONDENCE – None.**

**ADJOURNMENT:** Commissioner Simpson made a motion to adjourn the meeting at 7:23 PM that was seconded by Vice Chair Diaz. The motion passed unanimously.

Respectfully submitted,  
Salvatore Presti for



ANDRAS HOLZMANN