



**PASSAIC COUNTY PLANNING BOARD  
MINUTES OF A REGULAR MEETING  
August 29<sup>th</sup>, 2024  
401 Grand Street, Room 220, Paterson, NJ 07505**

Chair Joseph Metzler opened the meeting at 5:35 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, Commissioner; Steven Edmond, Commissioner; Terry Duffy, County Commissioner; Jonathan Pera, County Engineer

**BOARD PROFESSIONALS PRESENT:** John Abdelhadi, Planning Board Counsel; Andras Holzmann, Planning Director; Jason Miranda, Senior Planner

**MINUTES:** A motion was made by Commissioner Simpson to approve the minutes of the August 8<sup>th</sup>, 2024 Planning Board meeting. The motion was seconded by County Commissioner Duffy. The motion passed unanimously.

**DIRECTOR'S REPORT:**

A moment of silence was held to honor the passing of U.S. Representative William "Bill" Pascrell Jr.

**PUBLIC PORTION:**

Commissioner Simpson made a motion to open the meeting to public comment. The motion was seconded by County Commissioner Duffy. The motion passed unanimously.

Seeing no one from the public present, Commissioner Simpson made a motion to close the meeting to public comment. The motion was seconded by County Commissioner Duffy. The motion passed unanimously.

**DEVELOPMENT REVIEW**

**SP-23-024 – Proposed Apartment Building – 60 Wanaque Avenue, Pompton Lakes**

Staff explained that this is a previously withheld site plan application in which the applicant has proposed to construct a 5,233 sq. ft. multi-family apartment building with 23 dwelling units. The applicant has proposed to demolish the existing vacant gas station on site. The site has frontage along Wanaque Avenue (CR 684) in Pompton Lakes.

The applicant has proposed to construct a parking lot with 26 parking spaces on the site. The parking lot will have access via an entrance/right turn only exit driveway on Wanaque Avenue, and a right turn only exit driveway onto Grove Street, a municipal road. The Grove Street driveway is located within an unvacated portion of the Wanaque Avenue right-of-way. The applicant has proposed to replace the sidewalk, curbing, and curb ramps along the site frontage. Regarding drainage, the applicant has proposed to eject stormwater from the site into the

adjacent Wanaque River via an existing stormwater outfall. The applicant has proposed to plant various shade trees and shrubs along the site frontage.

Staff explained that there were outstanding conditions that must be addressed before the application can be granted unconditional approval. The applicant must request a waiver for the proposed driveway along Wanaque Avenue to be permitted, as there is proposed access to Grove Street. Any waiver request must include a written justification for consideration by the Board. The applicant has requested a waiver to allow the proposed driveways along Wanaque Avenue and Grove Street. Based on the submitted justification, the waiver is recommended by staff.

The distance between the Wanaque Avenue driveway and the property line must be dimensioned on the plan. If the curb return of the driveway is within 10 feet of the side property line, the applicant shall relocate the driveway to be a minimum of 10 feet from the property line. The applicant has requested a waiver to allow the curb return of the Wanaque Avenue driveway to be within 10 feet of a side property line. Based on the justification provided by the applicant, the waiver is recommended by staff.

The parking lot must be modified to prevent vehicles overhanging into the County right-of-way. The applicant must revise the plans as necessary to eliminate the proposed two (2) feet of overhang into the County right-of-way. The applicant has requested a waiver to allow for the proposed overhang into the County right-of-way. For the waiver to be considered by the Board, the applicant shall state specifically which spaces are impacted and how much overhang will be present at each parking space. The applicant shall clarify the hardship for why they cannot reconstruct the parking lot to prevent overhang into the County right-of-way. The applicant has requested a waiver to allow for the proposed overhang (from 1 to 1.9 feet) into the County right-of-way. If the waiver request is granted by the Board, the applicant shall be required to apply for an encroachment permit. If the waiver request is denied, the applicant shall be required to install wheel stops to prevent any overhang into the County right-of-way.

The applicant shall provide a driveway profile for the proposed Wanaque Avenue driveway. Driveway grades shall not exceed 2% for the first 50 feet from the right-of-way line. The crosswalk/pedestrian access route area shall be revised on the profile to be graded at a 2% maximum slope. Additionally, the applicant shall enter into a hold harmless agreement for silt, stormwater, and debris entering the site from the County right-of-way. An agreement template is attached for the applicant's review and signature. The applicant has requested a waiver to allow for grades in excess of 2% for the first 50 feet from the right-of-way line at the Wanaque Avenue driveway. Based on the submitted justification, the waiver is recommended by staff. The requested "hold harmless" agreement has been submitted with original signatures, and is subject to the review and authorization of the Board of County Commissioners prior to being recorded by the County Clerk.

The following comments shall apply to the Grove Street driveway that is located within the County right-of-way of Wanaque Avenue: No part of any driveway shall be located within 10 feet of a side property line. As such, the applicant shall modify the proposed driveway opening to be a minimum of 10 feet off the adjacent property line (measured at the right-of-way line). *The depressed curb opening at the driveway opening shall be narrowed to prevent vehicles from exiting side by side. The applicant shall provide a dimension from the driveway throat to the*

*property line with Lot 2. The applicant shall provide a statement of hardship in support of any waiver request. Additionally, the applicant shall provide a dimension from the depressed curb driveway opening to the point of curvature along the Grove Street curblineline at the intersection with Wanaque Avenue.* The applicant has requested a waiver from the requirement to provide a 10-foot offset from a side property line. Based on the justification provided by the applicant, the waiver is recommended by staff. Additional comment may be provided regarding access and parking for Lot 2. The applicant shall provide copies of any proposed easement or agreements for review. The applicant shall provide copy of the proposed access easement for review by staff.

Marvin Blethen, engineer for the applicant, was sworn in and explained the conditions of the site to the board. Steve Mlenak, attorney for the applicant, stated that an easement can not be required, as the owner of lot 2 may not accept.

A motion was made by Commissioner Edmond to grant a waiver allowing a proposed driveway along Wanaque Avenue when site access was available along a municipal road. The motion was seconded by Commissioner Simpson. The motion passed unanimously.

A motion was made by Commissioner Edmond to grant a waiver to allow the Wanaque Avenue driveway within ten (10) feet of a side property line on the condition that the applicant provide a sight distance exhibit showing a 155-foot sight line for a vehicle turning left into the site at the Wanaque Avenue driveway. The mention was seconded by Commissioner Simpson. The motion passed unanimously.

A motion was made by County Commissioner Duffy to grant a waiver to allow the applicant to have encroachments into the county right of way on the condition that the applicant submit an encroachment permit to the Board of County Commissioners for authorization. The motion was seconded by Commissioner Simpson. The motion passed unanimously.

A motion was made by Commissioner Simpson to grant a waiver to allow the applicant to have a driveway with a greater than 2% slope on the condition that the applicant enter into a hold harmless agreement with the county for runoff from the roadway. The motion was seconded by County Commissioner Duffy. The motion passed unanimously.

A motion was made by County Engineer Pera to grant a waiver to allow the applicant to have a driveway within ten (10) feet of a side property line for the Grove Street driveway. County Commissioner Duffy seconded the motion. The motion passed unanimously.

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

#### **SP-24-004 – Proposed Apartments – 165-169 Barclay Street, Paterson**

Staff explained that this is a previously withheld site plan application in which the applicant has proposed to convert an existing student housing building (adjacent to St. Joseph’s Hospital) to a standard apartment building. The building will have a total of 40 dwelling units, as two (2) of the existing units will be converted to common areas. The site has frontage along Barclay Street (CR 621) in Paterson. The existing structure does not have any curb cuts, and none are proposed as

part of the conversion. The applicant has provided a memorandum for parking. The existing sidewalk and curbing along the site frontage are in satisfactory condition.

Regarding drainage, the site was previously approved (SP-13-025) to install three (3) seepage pits at the rear of the site. All roof drainage from the building connects into the seepage pits. The applicant's engineer has provided an inspection report stating that the system is functioning in compliance with the previous approval.

Allyson Kassetta, attorney for the applicant, explained the site conditions to the board. John Corak, engineer for the applicant, was sworn in and explained that public parking would be available at the St. Joseph's Hospital parking garage. Allyson Kassetta explained that there was no prior agreement between the site owner and the St. Joseph's Hospital for parking.

Chair Metzler asked that the applicant provide a letter from the hospital stating that parking is available for the public at its parking garage.

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

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

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

### **SP-22-064 – Proposed Mixed-Use Building – 476-478 McBride Avenue, Paterson**

Staff explained that this is a previously withheld site plan application in which the applicant has proposed to re-construct an existing 2,394 sq. ft., two-story, fire-damaged residential building into a 2,250 sq. ft., two-story, mixed-use building. The applicant has indicated that there will be 498 sq. ft. of commercial space on the ground floor. There will be a total of six (6) dwelling units across both the first and second floor. The site has frontage along McBride Avenue (CR 639) in Paterson.

The site will continue to use an existing four (4) space parking lot at the rear of the site. The parking lot connects to Lincoln Avenue, a municipal road. There are no existing or proposed access points to McBride Avenue directly from the site. The applicant has proposed to replace the sidewalk and curbing along the site frontage. The applicant has also proposed to install a new curb ramp at the corner of the site. Regarding drainage, the applicant has proposed to construct two (2) seepage pits in the rear parking area. The applicant has indicated that two (2) roof leaders will connect to the seepage pit. No connections to the McBride Avenue drainage system are proposed. No landscaping has been proposed for the site.

Staff explained that there were outstanding conditions that must be addressed before the application can be granted unconditional approval. The plans indicate that the existing bilco doors are to be removed. The applicant shall confirm if there are any basement/stairs extending beyond the property line in the right-of-way below the sidewalk. If so, the applicant shall remove/fill in the area within the right-of-way. A note shall be added to the plans stating that all subsurface structure, wall, and/or steps beneath the Bilco doors shall be removed. *The applicant shall confirm that the Bilco door and steps are the only existing structure beneath the sidewalk.* The following note shall be added to the plans: *“The contractor shall conduct a test pit and verify the existence of any sidewalk basement or vault in the County right-of-way. If found, it shall be removed in its entirety from the County right-of-way”.*

The proposed right side elevation profile is shown within the right-of-way. However, the proposed roof gutter may encroach into the County right-of-way. The applicant shall confirm that the roof gutter will not encroach into the County right-of-way. If it does encroach, the plans shall be revised to eliminate the encroachment. *An aluminum gutter is labeled on the front elevation profile, but not labeled or shown on the side elevation profile. The building fascia is shown at the property. The applicant shall clarify how the proposed gutter will be attached without encroaching into the right-of-way.* At the proposed “Front Elevation A” profile, the callout leader indicating “Alum. Gutter (Typ.)” shall be removed at the top right.

Shraga Mehring, applicant, was sworn in and explained the site conditions, and asked clarification questions about procedure and the review process.

No comments were made by the board.

Commissioner Simpson made a motion to grant conditional approval of this subdivision application. The motion was seconded by County Engineer Pera. The motion passed unanimously.

**SP-23-009 – The Residence at 15Sixty – 1560 Paterson-Hamburg Turnpike, Wayne**

Staff explained that this is a previously withheld site plan application in which the applicant has proposed to construct a 51,415 sq. ft. multi-family residential building on a vacant lot. The building will have a total of 98 dwelling units. The site has frontage along Paterson-Hamburg Turnpike (CR 689) in Wayne.

The proposed development will include a total of 203 on-site parking spaces. Access to the site will be via a full-access driveway on Paterson-Hamburg Turnpike and a full-access driveway on Geoffrey Way (a municipal road). The applicant has proposed to replace the sidewalk and curbing along the site frontage. The applicant has also proposed to install a guide rail (outside of the County right-of-way) along the site frontage and to construct curb ramps at the Geoffrey Way intersection.

Regarding drainage, the applicant has proposed to direct onsite drainage to four (4) on-site bio-retention basin areas and one (1) overland flow into a wetlands area. The site driveways slope away from the County right-of-way. The applicant has proposed to plant a variety of shade trees and shrubs on the site.

Staff explained that there were outstanding conditions that must be addressed before the application can be granted unconditional approval. The Master Plan right-of-way line of Paterson-Hamburg Turnpike must be indicated on the plan. The detention basins shall be placed wholly within the site and outside of the Master Plan right-of-way. The guiderail and monument sign must be placed outside of the existing County right-of-way. The County reserves the right to provide further comment based on subsequent submissions. The previously referenced “if-and-when” agreement template is attached for the applicant’s review and signature. Dimensions shall be provided from the face of the curb to demonstrate the short retaining wall running parallel to the north side of the frontage is outside of the clear zone. The “if and when” agreement must be submitted with original signatures prior to being considered for authorization by the Board of County Commissioners.

The applicant must submit a waiver request with a written justification for the proposed Paterson-Hamburg Turnpike driveway, as there is site frontage along Geoffrey Way. Otherwise, the proposed driveway must be removed from the plans. The applicant has requested a waiver from the requirement and has proposed to provide driveway access on both Paterson-Hamburg Turnpike and Geoffrey Way. The Paterson-Hamburg Turnpike driveway will be restricted to right-in and right-out turns. Based on the justification submitted by the applicant, the requested waiver is recommended by staff.

The applicant must inspect the existing curb ramp at the corner of Paterson-Hamburg Turnpike and Geoffrey Way. A signed certification must be submitted from a licensed professional in the State of New Jersey stating that the ramp is in compliance with current ADA standards. The following note shall be added to the plans: *“Prior to the release of the performance bond by the Passaic County Road Department, the curb ramps in the County right-of-way shall be inspected and certified by a New Jersey-licensed professional per current PROWAG standards. Signed and sealed correspondence from the professional shall be provided to the Passaic County Road Department certifying the ADA compliance of the ramp in accordance with PROWAG standards prior to the release of the performance bond.”*

The plans must include a driveway profile for the Paterson-Hamburg Turnpike driveway. Driveway grades shall not exceed 2% within 50 feet of the right-of-way line. On the profile, the proposed grades shall be indicated at the driveway within the right-of-way. Based on driveway profile to be submitted, a hold harmless agreement may be required. The applicant shall be required to enter into a “hold harmless” agreement indemnifying the County for all stormwater, silt, and debris that enters the site from the County right-of-way. An agreement template will be provided to the applicant for their review and signature.

The following comments pertain to the proposed guiderail: If any critical slopes are proposed on the site that warrant guiderail, then all necessary guiderail shall be installed entirely on the site and outside of the Paterson-Hamburg Turnpike right-of-way, and a note shall be added to the

plan stating that the applicant shall be responsible for the maintenance of all proposed guide rail. If feasible, the guiderail shall be set further back on the site. The proposed guiderail shall be dimensioned off the curblin. A note shall be added to the plans indicating that the property owner shall be responsible for the proposed guiderail adjacent to the County right-of-way. The hold harmless agreement shall include language stating the property owner's maintenance responsibility of the proposed guiderail.

The applicant shall provide the Corridor Enhancement Fee of \$20,844.00 payable to Passaic County.

Commissioner Edmond asked that the if-and-when agreement be modified to state that the applicant will remove any structures from the county right of way if the agreement is enacted.

A motion was made by Commissioner Simpson to grant a waiver allowing the applicant to have a driveway on the Paterson-Hamburg Turnpike when there is access along a local roadway. The motion was seconded by County Commissioner Duffy. The motion passed unanimously.

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

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

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

**SP-24-015 – Proposed Apartments – 323-327 Union Boulevard, Totowa**

Staff explained that this is a previously withheld site plan application in which the applicant has proposed to expand an existing mixed-use building to 14,250 sq. ft. The applicant has proposed to demolish the existing multifamily residential building on the adjacent lot to accommodate parking for the expansion. The site will have a total of 18 dwelling units. No changes are proposed to the existing commercial units. The site has frontage along Union Boulevard (CR 646) in Totowa. The applicant has also filed for a subdivision under SU-24-005.

The applicant has proposed to expand the existing parking lot to 33 parking spaces. The parking lot has access via an existing full-access driveway on Union Boulevard, which will be modified to accommodate the parking lot expansion. No other curb cuts are proposed for the site. The applicant has not proposed any changes to the existing sidewalk and curbing, which are in good condition.

Regarding drainage, the applicant has proposed to construct two (2) dry wells in addition to an existing subsurface detention facility. The applicant has also proposed to construct a trench drain at the Union Boulevard driveway. The applicant has not proposed changes to the existing street landscaping.

Staff explained that there were outstanding conditions that must be addressed before the application can be granted unconditional approval. The clear space throat opening of the driveway shall be dimensioned between the pinch point of any proposed columns, curbs/edge of pavement, or walls adjacent to the right-of-way. The pinch point at the driveway opening shall be 24 feet wide. The applicant shall modify the architectural plans and site plan to eliminate the pinch point and provide a 24-foot clear width at the driveway entrance to the property. The curb cut shall be widened to provide for a depressed curb that is 24 feet wide, excluding apron flares.

Off-street parking areas shall be designed to prevent the maneuvering of vehicles into or out of parking spaces or the storage of vehicles within any portion of an entrance driveway or driveway lane that is within 20 feet of the right-of-way line of the County road. As such, any parking spaces within 20 feet of the right-of-way line shall be removed. If it is deemed infeasible to eliminate the parking spaces, a written waiver request with explanation of hardship may be submitted for consideration by the Board. The applicant has requested a waiver to allow for two (2) parking spaces to be located within 20 feet of the right-of-way line adjacent to the entrance lane of the site driveway. The waiver is recommended by staff with the following conditions: The applicant shall modify the architectural plans to indicate that the parked vehicles adjacent to the entrance of the driveway are fully visible to motorists entering the site. Signs designating parking spots 25 and 26 as employee only parking spaces shall be added to the plan.

The demolition plans indicate an existing generator enclosure to remain. However, the site plan indicates a refuse area to be removed at the same location. The applicant shall clarify and provide a narrative on how garbage will be handled. The previously requested information on refuse collection shall be provided. It is recommended that the applicant coordinate with the Borough to determine if the inlet and pipe shown on Lot 6.01 drains through Lot 9 and/or Lot 10. The previous comment was misworded. It is recommended that the applicant coordinate with the Borough of Totowa to determine if the inlet and pipe shown on Lot 8 drains through Lot 9 and/or Lot 10. The applicant shall demonstrate and/or confirm that the proposed foundation will not conflict with the existing and/or proposed drainage on the site. Architectural plans shall be provided demonstrating that the proposed foundation will not conflict with the existing/proposed drainage on the site.

The applicant shall verify if the 36-inch RCP that discharges from Lot 1.01 ultimately drains to Union Boulevard or Totowa Road. The applicant shall provide a cross-access easement for the 36-inch drainage pipe or confirm with the Borough of Totowa if the existing stormwater drain easement should be modified to accommodate the 36-inch drainage pipe. The applicant shall provide soils testing and demonstrate a 72-hour drain time and adequate groundwater separation at Lot 9. The soil testing shall be completed. A 72-hour drain time and adequate groundwater separation shall be demonstrated prior to receiving final site plan approval.

Commissioner Edmond asked that the applicant provide turning templates for vehicles parking in spaces 25, 26, 33, and 34.

Commissioner Simpson made a motion to grant a waiver allowing the applicant to have parking spaces within 20 feet of the county right of way under the conditions laid out by the Planning



Department. The motion was seconded by County Commissioner Duffy. The motion passed unanimously.

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

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

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

**SU-24-005 – S&S at Totowa Subdivision – 323-327 Union Boulevard, Totowa**

Staff explained this is a previously withheld minor subdivision application in which the applicant has proposed to consolidate two adjacent lots (9 and 10). The lot is not proposed to be re-subdivided. The lot consolidation has been proposed to accommodate the parking lot expansion that is proposed under site plan SP-24-015. Staff explained that the applicant had addressed all outstanding comments, and recommended the application be granted conditional approval on the condition that unconditional approval would be granted to the subdivision when the accompanying site plan application for the site was granted unconditional approval.

No comments were made by the board.

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

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

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

**OLD BUSINESS – None.**

**NEW BUSINESS**

**2024-06: Passaic Stormwater Ordinance**

A motion to approve the Passaic Stormwater Ordinance was made by Commissioner Simpson and seconded by County Commissioner Duffy. The motion passed unanimously.

**CORRESPONDENCE – None.**

**ADJOURNMENT:** Commissioner Simpson made a motion to adjourn the meeting at 7:16 PM that was seconded by County Commissioner Duffy. The motion passed unanimously.

Respectfully submitted,  
Salvatore Presti for

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

ANDRAS HOLZMANN