

BOROUGH OF TOTOWA P L A N N I N G B O A R D

PASSAIC COUNTY
NEW JERSEY



MINUTES – MAY 23, 2019

Vice Chairman Coiro called the Planning Board meeting of Thursday, May 23, 2019 to order at 8:03 p.m. in the Municipal Building of the Borough of Totowa.

PRESENT:

Commissioner Festa	Commissioner Sabatino	Commissioner Campilango	Commissioner Zarek
Mayor Coiro	Commissioner Niland	Vice Chairman Coiro	Commissioner Ferraro
Mike Cristali, PE	Darlene Green, PP	Richard Brigliadoro, ESQ	

The clerk read the statement of the meeting as follows: The meeting of the Planning Board to be held on the 23rd day of May 2019 is in accordance with the Schedule of Annual Notice, which is posted, and in accordance with Chapter 231 P.L. 1975 of the State of New Jersey. The agenda for this meeting has been prepared and distributed to the members of the Planning Board and a copy has been on file in the Construction Official's Office.

ITEM #1

Three Crown Development 1 Ottilio & 101 Forest	Block 9 - Lots 1 & 3	Preliminary Major Site Plan 81 Unit Multi-Family Development with Lot merger, Variances & related relief
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Planning Board Attorney, Rich Brigliadoro indicated that the applicant has requested by letter that this matter be carried to the Planning Board Meeting of June 13, 2019 on or about 8:00pm. Planning Board Engineer provided a supplement review letter and the applicant asked to have time to address.

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to carry this matter to the next regular Planning Board meeting of June 13, 2019 on or about 8:00pm.

Eight agreed to a roll call vote... 8-0

ITEM #2

Ciba Vita 12 Vreeland Avenue	Block 158 - Lot 3 <i>carried</i>	Amended Site Plan 2 nd Work Shift – 4pm – 1am Seven Days per week
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Planning Board Attorney, Rich Brigliadoro indicated that this applicant has requested by letter that this matter be carried to the Planning Board Meeting of June 27, 2019 on or about 8:00pm. The applicant is amending plans and will also be amending their application and will re-notice as required.

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to carry this matter to the next regular Planning Board meeting of June 27, 2019 on or about 8:00pm.

Eight agreed to a roll call vote... 8-0

ITEM #4

V J Bugos Photography
305 Totowa Road

Block 117 - Lot 59

Minor Site Plan
Certificate of Use

Valerie Bugos appeared requesting the approval for approximately 420 sq. ft. of space for the continued use of a appointment only photography studio.

Vice Chairman Coiro read a letter of intent into the record. The anticipated hours of operation would be Monday thru Friday from 6pm to 8pm, Saturday and Sunday from 9am to 6pm. There are 2 off street parking space in the rear of the building.

Ms. Bugos testified as to the nature of the business. In regards to the sign, there will be a text change only.

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the minor site plan as presented. This approval is subject to and contingent upon the following conditions and will be memorialized in a Resolution at a future date:

1. The construction of internal partitions, exits, entrances and fire safety devices are subject to and require the approval of the fire sub-code official, the fire inspector and the building inspector.
2. The applicant will supply the Chief of Police with an emergency contact list and will also obtain the approval of the Police Chief in regards to all alarms and security devices.
3. There will be no outside storage of equipment or materials.
4. There will be a text only change to the existing sign.

Eight agreed to a roll call vote... 8-0

Commissioner Sabatino excused himself due to a conflict with the next applicant.

ITEM #3

NJDC Urban Renewal
Minnisink Road

Block 154 - Lot 19.03

Habitat Enhancement

Lisa A. John-Basta, Esq. of the Law Firm Chiesa, Shahinian and Giantomasi, P.C., appeared requesting approval for minor site plan approval in order to perform habitat enhancement within certain landscaped buffer areas detailed in Sections 3.6.3 and 3.6.9 of the Redevelopment Plan on properties designated as Block 154, Lot 19.01 located at 655 Totowa Road and a portion of Block 154, Lot 19.03 located at 169 Minnisink Road to be known as Block 154, Lot 19.05 following the perfection of a subdivision approval granted by the Planning Board and memorialized in a Resolution adopted on January 10, 2019.

The habitat enhancement activities are proposed to include grading, landscape removal and clearing and landscape plantings. Submitted in support of the application were the following documents:

1. A plan entitled "Roadway B Clearing Exhibit", prepared by Dynamic Engineering, dated February 26, 2019, last revised April 22 2019.
2. A plan entitled "Roadway B Grading Exhibit", prepared by Dynamic Engineering, dated February 26, 2019, last revised April 22 2019.
3. A plan entitled "Roadway B Landscaping Exhibit", prepared by Dynamic Engineering, dated February 26, 2019, last revised April 22 2019.
4. Planning Board Application, dated April 23, 2019.
5. Aerial Rendering, author unknown, no date, consisting of 1 sheet.
6. Resolution 67-2019 entitled "Resolution Authorizing NJDC Urban Renewal, LLC to Make an Application for Habitat Enhancement", dated May 14, 2019.

The Board also considered the following reports:

- A. Report of the Board Planner, Darlene A. Green, P.P., AICP, Maser Consulting, P.A. dated May 23, 2019.
- B. Report from Michael Cristaldi, P.E., P.P., C.M.E., Richard A. Alaimo Engineering Associates, dated May 22, 2019.

The following Exhibit was introduced into evidence during the hearing process:

1. Exhibit A-1 Typical 25 foot wide buffer planting section detail prepared by Dynamic Engineering, dated 5/23/19.

Testifying on behalf of the Applicant was Robert Freud, P.E., P.P., a licensed professional engineer and planner of Dynamic Engineering Consultants, P.C. Mr. Freud provided the Board with an overview of the proposed habitat enhancement plan. More specifically, he reviewed with the Board the Roadway B Clearing Exhibit dated February 26, 2019 with revisions through April 22, 2019 which was prepared by his office and identified as Sheet No. 1. Mr. Freud highlighted the colored area of the plans which depict the existing tree clusters to be removed as part of the habitat enhancement. This sheet also provided four (4) photographs. The photographs depict the lack of vegetation which failed to provide a sufficient evergreen screening for the adjoining residential properties. Mr. Freud testified that it is the Applicant's intention to clean out this area of dead and diseased trees and to supplement landscaping in the area in order to provide an enhanced buffer area to properly screen the residential properties in the vicinity of Roseland Avenue from this commercial site.

Mr. Freud also reviewed with the Board a plan that was on file with the Board as part of the application package and identified as Roadway B Landscaping Exhibit Sheet No. 2 which was prepared by his office and dated February 26, 2019 with revisions through April 22, 2019. Mr. Freud testified that the Applicant is going to add grading and plant trees closer to the property line which abuts the adjoining residential properties along Roseland Avenue. Mr. Freud testified that the Applicant is adding grading in order to facilitate the habitat enhancement.

Mr. Freud reviewed with the Board the contents of the Board Planner's review report and confirmed that within the 25-foot wide landscape buffer area, the Applicant will provide a double staggered row of evergreen trees as well as planting deciduous trees, shrubs and native decorative grasses. Mr. Freud also represented that deciduous trees within the landscape buffer will be 10 feet in height with a 3 inch caliper at the time of planting. Furthermore, the shrubs will also be 3 feet tall at the time of planting.

Mr. Freud also testified that the evergreen trees would be installed at a height of 10 feet and 8 feet on center which he stated will allow the evergreen trees to grow broader and fuller, thus providing a denser screening buffer.

Mr. Freud also testified that the Applicant was proposing approximately 297 trees to be planted in conjunction with this application for habitat enhancement.

In regard to regrading, Mr. Freud testified that there will be no retaining walls and that the steepest grade would be at a 3 to 1 slope which he stated would enable a lawnmower to traverse that type of a slope and cut the grass.

The Applicant has also agreed to provide additional grading for Borough owned Lot 19.01 and will be providing a level pad for the Borough for whatever purposes the Borough determines appropriate for future development of Lot 19.01. Mr. Freud also testified that all fill is on the site that will be used for the additional grading.

Mr. Freud also represented that the Applicant will raise the grade on the Applicant's property to be more in line with the grade at the property line of the three (3) Roseland properties. He estimated the grade would be raised by approximately 8 feet.

Mr. Freud represented that the Applicant will plant native grasses on either side of the shrubs and committed to planting 60 native grasses per 80 linear feet of buffer area. Furthermore, Mr. Freud represented that the Cornelian Cherry shrub will be planted at a height of 3 feet. The Applicant will be in compliance with the Redevelopment Plan and thus no design waivers or variances are required in connection with this application. The Applicant only requires minor site plan approval for habitat enhancement.

Mr. Freud provided testimony in support of granting “c” variance relief in the event the Board determined that the Applicant required “c” variance relief relative to this application. Mr. Freud testified that purposes of the Municipal Land Use Law would be advanced by the approval of this habitat enhancement application pursuant to the Municipal Land Use Law under N.J.S.A. 40:55D-2 that purpose would be satisfied which is to promote a desirable visual environment through creative development techniques and good civic design and arrangement. Mr. Freud testified that providing a natural landscape buffer is a benefit to the public.

Having addressed the positive criteria, Mr. Freud then addressed the negative criteria. Mr. Freud testified that variance relief can be granted without substantial detriment to the public good without substantial impairment of the zone plan and zoning ordinance. Furthermore, he represented that the benefits of any deviation would substantially outweigh any detriment. Mr. Freud represented that the re-grading of the Applicant’s property, in order to enhance and supplement the 25-foot wide landscape buffer area, provides a benefit to the public and there are no negative detriments.

After questions from the Planning Board Members a motion was offered by Commissioner Campilango and seconded Festa to open the public portion of the meeting.

Seven in Favor 7-0

Terry Sabol – 135 Minnisink Road, expressed concerns about changing the grading and the impact it might have on his property and flooding as well as concerns about the buffer. Mr. Sabol reiterated the issues about early morning noise occurring at 4:00am.

Bahar Bhuiyan – 677 Totowa Road, inquired about grading behind his property and asked if the applicant will be filling that portion. He also had concerns regarding the grading causing stormwater to go onto his property.

Annalyssa D’Agostino, 70 Vreeland Avenue had questions in regard to whether additional detention basins were required as a result of the improvements proposed in connection with this application and expressed concerns regarding flooding due to the stock piles of soil.

Joseph Nacheff – 21 Roseland Avenue and that his sister resides at 13 Roseland Avenue. Mr. Nacheff expressed concerns regarding headlight glare and the height of the trees in the buffer in addition to the planting of the double buffer.

Deborah D’Agostino, 70 Vreeland Avenue had questions regarding plan review and the inspection process undertaken by the Hudson Essex Passaic Soil Conservation District (HEPSCD). Ms. D’Agostino also had questions regarding existing soil stockpiles on the site, the location of wetlands on the site and whether or not the Applicant will be maintaining the existing drainage patterns.

A motion was offered by Commissioner Campilango and seconded Festa to close the public portion of the meeting.

Seven in Favor 7-0

After a discussion, a motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the Habitat Enhancement plan as presented. This approval is subject to and contingent upon the following conditions and will be memorialized in a Resolution at a future date:

1. The granting of this application is subject to and conditioned upon all of the representations and stipulations being made by or on behalf of the Applicant to the Totowa Borough Planning Board being true and accurate. The Planning Board notes that it specifically relied upon said representations or stipulations in the Board's granting of approval. If any representation or stipulation is false, this approval is subject to revocation.
2. This approval is granted strictly in accordance with any recommendations set forth on the record by the Planning Board at the time of the public hearing on May 23, 2019.
3. The granting of this application is subject to and conditioned upon the Applicant complying with all relevant terms and conditions set forth in the Board Planner's Review Report prepared by Darlene A. Green, P.P., AICP dated May 23, 2019, and subject to modifications, if any, as testified to during the hearing process.
4. The granting of this application is subject to and conditioned upon the Applicant complying with all relevant terms and conditions set forth in the Board Engineer's Review Report prepared by Michael Cristaldi, P.E., P.P., C.M.E. dated May 22, 2019 and subject to modifications, if any, as testified to during the hearing process.
5. The granting of this application is subject to and conditioned upon the Applicant providing a 25-foot-wide landscape buffer along the adjacent residential uses. The 25-foot-wide buffer area shall include evergreen and deciduous trees, shrubs and native decorative grasses in accordance with the Redevelopment Plan. Deciduous trees within the landscape buffer shall be a minimum 10 feet tall and have a minimum 3 inch caliper at the time of planting. All shrubs shall be a minimum of 3 feet tall at the time of planting. The evergreen trees will be a minimum of 10 feet tall at the time of planting and planted 8 feet on center in accordance with Exhibit A-1 and as testified to during the hearing process. The Cornelian Cherry shrubs will be planted at a minimum height of 3 feet. The Applicant shall also provide 60 native grasses per 80 linear feet of buffer to be planted on either side of the shrubs. All plantings within the buffer area shall be subject to the review and approval of the Board Engineer and Board Planner.
6. The granting of this application is subject to and conditioned upon the Applicant obtaining Hudson/Essex/Passaic Soil Conservation District approval, if required.
7. The granting of this application is subject to and conditioned upon the Applicant obtaining New Jersey Department of Environmental Protection approval, if required.
8. The granting of this application is subject to and conditioned upon Passaic County Planning Board approval.
9. The granting of this application is subject to and conditioned upon the Applicant agreeing to open and maintain an escrow account with the Borough of Totowa and to keep the account current with sufficient funds for inspection and review fees.

Seven in Favor 7-0

MINUTES:

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the Planning Board Minutes of May 9, 2019 as prepared.

Seven agreed on a roll call vote.....7-0
Commissioner Ferraro abstained

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to admit Commissioner Sabatino into the remainder of the meeting.

Eight in Favor 8-0

RESOLUTIONS:

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the resolution for AQ Radiology – Blk. 102 – Lot 11.02 as presented.

Six agreed on a roll call vote.....6-0

A motion was offered by Commissioner Campilango and seconded by Commissioner Festa to approve the resolution for Laserra Gardens – Blk. 182 – Lots 1 & 1.01 as presented.

Six agreed on a roll call vote.....6-0

There being no other business, a motion was offered by Commissioner Campilango and seconded by Commissioner Sabatino to adjourn the meeting.

All in favor.....8-0

Respectfully submitted,

Pete Campilango, Secretary

Patricia Paulson
Board Clerk

Date Approved